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ABSTRACT

The 50 states are responsible for public systems of higher education, and accommodate 80 percent of the total enrollment. With growth and large expenditures of state funds in recent years came increasing regulation of higher education. In many instances institutional autonomy has been threatened by state action. Six recommendations are made for the public sector to adapt appropriately and efficiently to enrollment declines: (1) states should use a consolidated governing board combined with institutional boards to focus responsibility; (2) public research universities must be maintained, undiluted, as the foremost institutions in the public sector; (3) a funding formula consisting of a base grant plus a grant per full-time equivalent student, rather than being tied to enrollment, would offer institutions a chance to maintain quality while clarifying their missions in the public system; (4) the licensing function for both private and public institutions should rest in the state higher education agency; (5) institutions must be willing and capable of adopting improved management techniques to maximize returns from the public funds available; and (6) a peer review system for monitoring educational quality should be used rather than monitoring by state agencies. (Author/MSE)

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Sloan Commission on Government
and Higher Education

STATE REGULATION OF HIGHER EDUCATION IN A PERIOD OF DECLINE

U S DEPARTMENT OF HEALTH
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

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By

Edward S. Gruson

April, 1979

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SUMMARY AND RECOMMENDATIONS

The fifty states are responsible for the public systems of higher education in the United States and accommodate 80% of the total enrollment. By generously supporting the operating expenses of the public sector ($17 billion in 1978-79) the states provide access to higher education by maintaining low tuitions in state institutions. By their support of "flagship" institutions, the states sustain some of the great national research universities which are second to none in setting standards of excellence in scholarship and teaching. Their support of a wide network of community colleges has introduced new alternatives in the spectrum of higher education opportunities available in the United States. Through the expenditure of billions in capital funds they have developed Comprehensive Colleges and Universities from what were formerly narrowly-based state teachers colleges. Their response during the period of extraordinary increases in enrollments is a remarkable achievement.

With growth and large expenditures of state funds came increasing regulation of higher education. Complex governing systems were introduced as coordination and planning became the themes of the day. The size and quality of the staff of Governors and Legislatures grew as well, and "accountability" became a catch-phrase in state government. Large management information systems were introduced and spewed forth ever-increasing demands for information for audits of all kinds by a host of different agencies. Institutions within the public sector responded in kind by incorporating increasingly complex systems in order to respond to these demands. The never-clear line between institutional autonomy and state interference or intrusion became even more indistinct. In many instances, institutional autonomy was threatened by state action.

The situation will be made worse by the decline in enrollments which must inevitably be the consequence of national demographic trends. Competition between the private and public sectors of higher education is fierce. It is fierce, as well within the public sector as enrollment-driven formulas for funding state systems of higher education tempt institutions to compete for students in order to maintain enrollments. The competition within the public sector threatens to reduce the quality of education offered. Already, flagrant abuses of the consumers of public (and private) higher education have occurred.

In this paper, several recommendations are made so that the public sector can adapt most cogently and efficiently to the consequences of enrollment declines.

1. Notwithstanding the varied histories, traditions, and political climates in the various states, a consolidated governing board combined with boards of trustees of the constituent public institutions of higher education offers a means of focusing responsibility and eliciting effective responses to the problems arising from declining enrollments in the public sector. (pp. 13-16.)
2. It is essential to the state and the nation that the public research universities be maintained as the foremost institutions of the public sector. To dissipate their comparative advantage by underfunding or redistributing their strong departments among a number of, perhaps more metropolitan, institutions would be calamitous. (pp. 26-28.)
3. A funding formula, not tied to enrollments but consisting of a base grant plus a grant per FTE, is offered. It is believed

that this formula offers state colleges and universities an opportunity to maintain their quality while clarifying their missions and roles in the public system. The funding mechanism offers a respite from the intense pressure they now face but does not, by itself, address the question of merger, closure or change of role. It will help higher education agencies allocate funds among the institutions and systems of public higher education in a somewhat more reasonable way without intruding on the political prerogatives of legislatures and governors. (pp. 48-51.)

4. To enforce minimal standards of quality and to provide basic consumer protection it is proposed to vest the licensing function for both private and public postsecondary education in the state higher education agency. The proposal is an endorsement of the Model State Legislation for Approval of Postsecondary Educational Institutions and Authorization to Grant Degrees as developed by a Task Force led by the Education Commission of the States. It has been modified to include disclosure provisions and to add enforcement powers by eliminating traditional exemptions. (pp. 53-55.)

5. In response to, and in anticipation of, enrollment declines, public institutions of higher education and public systems must be willing and capable of adopting improved management techniques in order to maximize the returns from the public funds available. Governors, legislatures and the public will respond wisely to the institutions' perceived financial stress better, and perhaps only, when they are assured that public colleges and universities manage their tax-dollars with greater

efficiency. Changes in the internal management of the institution will create stresses within the institution but will prove to the external constituencies that they are as capable of adapting to conditions of no-growth as they were to a period of expansion.

6. To complement the funding mechanism, a means of monitoring the quality of education provided by a public or private institution of higher education is suggested. It is based upon a peer-review system rather than on reviews by state education officials and provides for reviews of baccalaureate programs in the traditional arts and sciences, periodic reviews and procedures for disclosure which are fair to the institution and the state. (pp. 56-57.)

I. THE CONTEXT FOR STATE REGULATION

The outlook for public and private higher education in the 1980s and 1990s is bleak. Enrollments will decline by a considerable amount. It appears that the decline in the public sector will most deeply affect the state colleges or state college systems. The financial outlook is equally dismal. In most states, appropriations for higher education as a proportion of total appropriations have levelled-off. Nationwide, these proportions increased from 11% in 1963 to a peak of 16% in 1971 and declined to 14% in 1973, at which level it has remained constant.

Since enrollments and finance are intimately related, in many states legislators and executives question escalating budget requests for higher education in the face of steady or declining enrollments. Controlling the costs of higher education and issues of accountability will become major political issues in the states, especially as other sectors of the states' economy compete for limited resources.

This era will not be the first in which higher education has been a state political issue. John Pittinger, when Secretary of Education in Pennsylvania, asserted that

> ...education is always in politics. It concerns money and power, and those are what politicians fight about. I see no advantage in concealing from the public the fact that educational decisions are in fact political decisions and that support for education requires political skills.[1]

In a period of decline and retrenchment, the question of "who" shall take the responsibility, for example, to curtail, consolidate or discontinue programs and even institutions becomes critical. Is the decision to be made by executive or legislative fiat or by a higher education agency acting in concert with institutions? The decision in most states

will be a political one, modified to some extent by tradition, trust and the demonstrated capacity of higher education to manage itself.

The arena in which policy is determined is complex. There are many actors involved in the decision-making on these difficult issues. The accompanying chart, developed to describe the interactions among issues, policies and actors in Wisconsin, can be interpreted generally to apply in most states. In general, the actors are the same; the issues are similar; the "environment," except for tradition and past public policy decisions, is not too dissimilar among states; and, the major policy decisions share a number of affinities among states.

Much of the material in the paper derives from the studies in ten states of governance and regulatory issues and state student aid and tuition policies. Studies were commissioned and conducted in California, Florida, Louisiana, Ohio, Massachusetts, Nebraska, New York, Texas, Washington, and Wisconsin.

The paper assumes that all of the actors involved, especially those in the formal political arena, keep the public interest uppermost in their minds and that politics and higher education are not mutually exclusive. Most of the problems which vex and irritate the decision-makers involve the question of "who" should make the decisions. In most instances the paper prefers that higher education or its representatives be responsible.

The relations between the state and higher education have been described as a

> persistent human paradox: the simultaneous need for structure and for antistructure, for dependence, and for autonomy, for involvement and for privacy...For at the heart we are dealing, I submit, with a dilemma we cannot rationally wish to resolve. The public interest would not, in my estimation, be served if the academy were to enjoy an untroubled immunity. Nor could the public interest be served by the academy's being subjected

to an intimate surveillance. Whatever our current discomforts because of a sense that the state is crowding us a bit, the underlying tension is benign. Like most paradoxes, this one is a great humbler. It chastens intellectual arrogance...All this simply says that the precise border between the state and the academy is, and must be kept, fuzzy. For if a precise delineation is sought, I think that the state has more than the academy has of what it takes to draw the line.[2]

TABLE 1

ISSUE MAP RELATIONSHIPS BETWEEN GOVERNMENT AND HIGHER EDUCATION

Environment →	Issues ←	Participants (Values and Interests)
Past public policy decisions Environmental trends -Demographic -Enrollment -Institutional growth -Appropriations -International, national, state, and local events -State of the economy and others	Access-choice Governance-prerogatives Intellectual independence Academic independence Administrative independence Governance-participation Collective bargaining Affirmative action Student participation Fiscal accountability Academic missions and purposes Instruction Research Public service	Academic community U of Wisconsin System (Regents, Admin., Fac., Students) Vocational technical system (Board, Administration) Private sector (Institutions, WAICU) Department of public instruction Proprietary sector Executive branch Governor Administration Department Revenue Department Higher Education Aids Board Legislative Branch Speakers - Senate Majority Leaders Education Committees Joint Finance Committees Legislative Fiscal Bureau Legislative Council Legislative Audit Branch Federal government Office of Education Other federal agencies Congressional committees, ect.
	↓ Policy Decisions Governing board prerogatives and policy Policy on intellectual freedom Program content Administrative license Human resource policy Academic missions Academic programs Academic staff Student services Fical Resource policy Operating budgets Capital budgets Access-choice policy Student aid Tuition Faculty-collective bargaining	
Feedback and Recycle ←	Intersector relationships, etc. →	Feedback and Recycle

Source: Eugene Craven and Jacob Stampen, Politics and the Superintendent: A System Map, monograph, Teacher's College Columbia University, 1 April 1972.

II. THE STRUCTURE OF PUBLIC HIGHER EDUCATION

A. The Governance of Public Higher Education

While federal interaction with higher education is growing, state interest in the enterprise is pervasive. The states are responsible for providing quality higher education and insuring institutional autonomy. In addition, by subsidizing the public sector they make "access" to higher education a reality for most of the students of higher education in the United States.

Organizationally, by the mid-1930's, 45 states had created 49 major state universities, of which 38 were governed by their own boards. (There were 3 in Ohio, 2 in each of Alabama and Indiana, while in California there were already six branches of the University.) In eleven states consolidated governing boards coordinated and managed state systems of higher education: Florida, Georgia, Idaho, Iowa, Kansas, Mississippi, Montana, New York, North Dakota, Oregon, and South Dakota. These 49 state universities include some that have grown into great research institutions that rank among the best in the nation and in the world.

At the same time, 46 states had created state colleges, state teachers colleges or state normal schools whose primary mission was to produce elementary and secondary school teachers and principals. Within these 46 states, the state colleges (used here as an umbrella term for teachers colleges and normal schools) were governed and managed differently from the state universities. In 17 states, the state colleges were governed directly by State Boards of Education. In 7 states, the state colleges were governed by statewide Boards of Teachers colleges. In 11 states

the consolidated governing boards controlled and managed the state colleges, as well as the university.

Because of their history, especially the tradition of governance of most of these colleges by a Board of Education or a statewide Board of Trustees, state colleges were less autonomous than state universities and were administered much like other state agencies. Constraints in administrative affairs were more rigid; executive and legislative interventions were more frequent and more blatant. Faculties of these colleges were less involved in decision-making and the "collegiality" which characterized major state universities failed, in the main, to arise.

Most of the state colleges created to produce teachers have since become Comprehensive Universities and Colleges or State Doctorate-Granting Universities as a consequence of the growth of enrollments during the 1950's and 1960's.

This history has had several consequences. It has led to what Moos and Rourke call "the double standard,"[1] a term they use to distinguish between the relative difference in the degree of independence granted by statute or constitution to state universities to that granted to state colleges. Among the studies of state governance systems prepared for the Sloan Commission, this is a recurring theme and most powerfully expressed in David Adamany's review of the California State University and College System.[2] In addition, because faculties in these state colleges have not had the status of those in the major state universities, and also because they have shared less in decision-making, the unionization of faculties has been more prevalent among this category of institutions of higher education. In turn this has affected the degree to which bargaining is adversarial and the range of issues covered in the final contract.

The demand for higher education during the 1950's and 1960's was extraordinarily high and the response of all sectors of higher education, especially the public sector, was awesome. Between 1960 and 1978 enrollment in the public sector rose from 2,136,000 in 1960 to 6,476,000 in 1970 and 8,853,000 in 1978. During this period state appropriations for higher education rose from $1.5 billion in 1960-61 to $7.4 billion in 1970-71 to $17.0 billion in 1978-79.[3] While enrollment increased by a factor of just over four, state expenditures rose by a factor of over eleven. Even when inflation is taken into account this represents a magnificent effort. In the same period over 400 new public senior institutions were created and at least 600 new public community colleges were built.

It is no wonder then that state executives and legislatures have sought to create means by which this explosive growth might be coordinated, rationalized, planned and budgeted. The need to avoid and/or eliminate costly and unnecessary duplication, overlap and proliferation of programs and services among institutions has been paramount among the concerns of the executive and legislative branches of state government. To achieve these ends states have created elaborate organizations devoted to coordination and planning as well as complex patterns of governance of "systems" of institutions. The favored instrument created to undertake this task during the 1960's was the statewide higher education coordinating agency. Nineteen of these agencies were created bewteen 1960 and 1976. (See Table 2).

Some intermediary agency between the institutions and the state exists in all but two states, Delaware and Vermont. These agencies operate under a plethora of different names, such as Boards of Regents, Boards of Higher Education, Councils on Postsecondary Education, etc.

These agencies act as a buffer between the political authorities and the public institutions. In this paper, the generic agency is referred to as the State Higher Education Agency. In many states, of course, state universities and their presidents are regarded as independent political entities in their own right rivalling the power and prestige of governors and legislatures.

These state higher education agencies are of three types. It must, however, be kept in mind that there are wide varieties of organization within each of these types and that the powers vested in these higher education agencies vary greatly within each type as well. (See Appendix A)

1. The consolidated governing board exercises strong regulatory and coordination powers as well as being the governing authority for at least the system of senior institutions within a state. In some states the two-year colleges are included within the authority of the governing board; in other states the governance of public community colleges is vested in a separate board. The Board of Governors of the University of North Carolina and the Board of Regents of the University of Wisconsin exercise strong authority, while the governing boards of the state systems of higher education in Florida, Mississippi, and North Dakota, although having relatively similar formal structures, are not able to act with similar authority.

2. The regulatory coordinating agency exercises "moderately strong" coordination through its statutory authority to oversee and regulate budgets, planning and/or academic programs. Notwithstanding the statutes granting power to regulatory coordinating agencies, their authority depends on their relationships, political and other, to the governor, legislature and the institutions. In Ohio and Louisiana the Boards of Regents are examples of

TABLE 2

HISTORICAL GROWTH OF STATE HIGHER EDUCATION AGENCIES (Cumulative Totals)

State Higher Education Agency	1930	1950	1960	1969	1976
Voluntary	0	3	5	4	0
State-wide governing board	10	15	15	16	19
Regulatory coordinating agency	1	2	5	15	19
Advisory coordinating agency	0	1	5	13	10
None	0	0	0	0	2

Source: Adapted from Glenny, L. A. and Bowen, F. M., State Intervention in Higher Education, Sloan Commission on Government and Higher Education, November 1977, p. 20.

TABLE 3

PATTERNS OF STATE COORDINATION OF ALL PUBLIC INSTITUTIONS OF HIGHER EDUCATION

A No Overall Coordination (2)	B Coordination by Consolidated Board (19)	C Regulatory Coordinating Agency (19)	D Advisory Coordinating Agency (10)
Delaware	Alaska	Colorado	Alabama
Vermont	Arizona	Connecticut	Arkansas
	Florida	Indiana	California
	Georgia	Illinois	Maryland
	Hawaii	Kentucky	Michigan
	Idaho	Louisiana	Minnesota
	Iowa	Massachusetts	Nebraska
	Kansas	Missouri	New Hampshire
	Maine	New Jersey	Washington
	Mississippi	New Mexico	Wyoming
	Montana	New York	
	Nevada	Ohio	
	North Carolina	Oklahoma	
	North Dakota	Oregon	
	Rhode Island	Pennsylvania	
	South Dakota	South Carolina	
	Utah	Virginia	
	West Virginia	Tennessee	
	Wisconsin	Texas	

Source: Adapted from Carnegie Foundation for Advancement of Teaching, The States and Higher Education, San Francisco, Jossey-Bass, 1976, p. 90.

strong regulatory coordinating agencies, while in Massachusetts, where end-runs are an accepted part of the political process, the Board of Higher Education exercises weak regulatory powers, notwithstanding its statutory authority. As Renee Petersen in her study "The State and Higher Education in Ohio" says, "the perceptible shift in where important decisions on higher education are made are not the consequences of static or diminishing enrollments. Rather, it was caused by changes in the political control of the state...[and] the Board's prior dominance (one might say monopoly) in setting higher education policy dominance has now been reduced considerably by the state's new political balance." [4]

3. The advisory coordinating agency exercises "relatively weak" coordination since it is limited by statute to making recommendations only. Here, too, the ability of an advisory coordinating agency to affect the behavior of institutions depends on its relationship and credibility with the political powers of the states and the institutions. Where the relationships are good as in the state of Washington, the recommendations of the Council on Postsecondary Education are strong indeed. "Even thought the Council's 'powers' are only advisory -- to review and to recommend -- what they recommend, because of executive and legislative acceptance, has the weight of governance." [5] In other states with such agencies, the recommendations are scarcely heeded.

Coordinating agencies are most frequently concerned with planning for the system, reviewing and recommending on operating and capital budgets, reviewing and passing on new or existing degree programs, creating and maintaining statewide management information systems, and administering or coordinating state student aid programs. A consolidated governing board is responsible for budget preparation and management, opera-

tions and post-audit reviews and may exercise regulatory powers over institutional management and operations. It deals directly with the chief executive of the institutions it governs or, where such exist as in North Carolina, with the Boards of the constituent institutions.

To further complicate the governance scene, some states have organized their institutions of higher education into multi-campus systems which exercise governance powers over several institutions. California has organized a three-tiered system: the University of California with nine campuses governed by a Board of Regents, the California State University and College system with nineteen campuses governed by a Board of Trustees, and the California Community College system with 95 campuses governed by a Board of Governors. The situation is different in Wisconsin where the Board of Regents of the University of Wisconsin system is responsible for thirteen senior (four-year institutions) and fourteen junior (two-year institutions which are essentially branches of the senior universities), and a Board of Vocational, Technical and Adult Education governs three two-year institutions through institutional boards. Other examples of the governance structures of the state systems of higher education are included in Appendix B.

A further complication in the governance, coordinating and planning function was the introduction of the so-called "1202 Commissions" as a consequence of the passage of the Educational Amendments of 1972. As federal concerns broadened from higher education to postsecondary education, Congress adopted a matching grant program to encourage states to include in their planning process, representatives of private higher education as well as the proprietary sector. Table 4 details how the states had responded to the Federal planning "carrot" by 1976.

TABLE 4

OPTIONS CHOSEN BY STATES AND ELIGIBLE TERRITORIES IN ESTABLISHING SECTION 1202 STATE COMMISSIONS

New Commission (18)	Existing Agency or Commission (19)	Augmented Agency or Commission (10)	No Commission (4)
Alabama	Connecticut	Arkansas	Colorado
Alaska	Florida	Hawaii	North Carolina
Arizona	Idaho	Massachusetts	Tennessee
California	Illinois	New Jersey	Wisconsin
Delaware	Indiana	North Dakota	
D.C.	Iowa	Pennsylvania	
Georgia	Louisiana	Rhode Island	
Kansas	Maryland	South Carolina	
Kentucky	Michigan	Utah	
Maine	Minnesota	Washington	
Mississippi	Missouri		
Nebraska	Montana		
Nevada	New Mexico		
New Hampshire	New York		
South Dakota	Ohio		
Texas	Oklahoma		
Vermont	Oregon		
West Virginia	Virginia		
	Wyoming		

Source: Millard, R. M., op. cit., p. 39.

A third major complication in the governance structure among the states is that some states have conferred "constitutional status" on public institutions of higher education or upon systems of institutions within the public sector. Constitutional status refers "to the practice of providing in state constitutions for the vesting of exclusive management and control of the institution in the governing board, presumably to the exclusion of state executive and legislative officials."[6] The purpose or intent of constitutional status is to assure and protect institutional autonomy by holding the state at arm's length from the insti-

tution. Constitutional status is contrasted with "statutory status," which presumably leaves the institution in greater jeopardy of interference and pressure from the capitol. Presently sixteen states grant constitutional status to public universities or systems of public universities. (See Table 6)

Glenny and Dalglish suggest that while there are some advantages to constitutional status, "the extension of constitutional status to all state institutions may not be as advantageous as is usually assumed."[7] While constitutional status may free institutions from following "nuisance" state administrative practices, e.g., purchasing, personnel, and internal transfers of funds, Glenny and Dalglish conclude that constitutionality is less protective as governors and legislatures use their "clout" in the preparation of budgets and the appropriations to force universities into line.

Centralization of governance within state systems has accompanied these trends towards more centralized systems with regulatory powers and multi-campus arrangements governed by central or system offices. In 1975, only 30% of the public four-year institutions were governed by their own individual boards, whereas in 1940, 70%, excluding normal and teaching colleges, were so governed by single boards with "direct and unrestricted access to the governor and legislature."[8] In California, Adamany emphasizes the regulatory nature, not of the coordinating agency, but of the central office of the California State University and College System.

The history, tradition and politics of each state vary so greatly (as do their social and economic structures), that is is not possible to make a recommendation for governance which would be appropriate for all states. However, among the governance patterns of the 10 states studied for the Sloan

Commission, the effectiveness of the Board of Regents of the State of Wisconsin stands out. So too, does the relationship between the Council for Postsecondary Education in the State of Washington and the institutions in that state. Yet these are very different organizational structures.

TABLE 5

PATTERNS OF CAMPUS GOVERNANCE
FOR SENIOR PUBLIC INSTITUTIONS

I Individuals Campus Boards (5)	II Multi-campus Boards (8)	III Consolidated Boards (22)		IV Mixed Pattern (15)	
Delaware	California	Alaska	Nevada	Alabama	New Mexico
Kentucky	Connecticut	Arizona	New Hampshire	Arkansas	Ohio
Michigan	Illinois	Florida	North Carolina	Colorado	Oklahoma
Missouri	Louisiana	Georgia	North Dakota	Indiana	Pennsylvana
Washington	Minnesota	Hawaii	Oregon	Maryland	South Carolina
	Nebraska	Idaho	Rhode Island	Massachusetts	Texas
	New York	Iowa	South Dakota	New Jersey	Vermont
	Tennessee	Kansas	Utah	Virginia	
		Maine	West Virginia		
		Montana	Wisconsin		
		Wyoming	Mississippi		

Definitions:

I. Individual boards governs each public senior institution.

II. Two or more multi-campus boards govern all public senior institutions, e.g., separately for universities and for state colleges. (Note: sometimes these boards have jurisdiction over two-year institutions as well.)

III. All senior public institutions governed by a single consolidated board.

IV. Mixed pattern with individual boards for some senior institutions and multi-campus boards for others.

Source: Carnegie Foundation for Advancement of Teaching, The States and Higher Education, San Francisco, Jossey-Bass, 1976, p. 89.

TABLE 6

CONSTITUTIONAL STATUS OF PUBLIC INSTITUTIONS
OR SYSTEMS OF HIGHER EDUCATION

State	Powers Delineated
Arkansas	All systems[1]
California	Board of Regents, University of California (M)
Colorado	Board of Regents, University of Colorado (M)
Georgia	Board of Regents, University System of Georgia
Idaho	State Board and Board of Regents, University of Idaho
Louisiana	All systems
Michigan	All systems[1]
Minnesota	Board of Regents, University of Michigan
Mississippi	Board of Trustees, Institutions of Higher Learning[1]
Missouri	Board of Curators, University of Missouri (M)
Montana	Board of Regents of Higher Education
Nevada	Board of Regents, University of Nevada System
North Carolina	State Board of Education
North Dakota	State Board of Higher Education
Oklahoma	All systems[1]
South Dakota	Board of Regents

M - multi-campus

1 - Except community college systems

Source: Education Commission of the States, State Postsecondary Education Institutional Authorization and Oversight, Report #114, Denver, Colorado: October 1978, pp. 318-333.

A consolidated governing board whose members enjoy high status and direct access to the executive and legislative branches of state government has much to commend it. If such consolidated governing boards act through Boards of Trustees of individual campuses, the worst features of centralization and homogenization might be avoided as well. A consolidated governing board and institutional boards, working in concert, would best protect the autonomy of public institutions of higher education and the public interest.

Such boards would have to be responsible for appraising the condition of the entire enterprise, public and private. They will have to have sufficient status and respect to be able to affect change in the public sector where it is warranted.

B. State Regulation of Public Higher Education

Regulatory activities are increasing in all sectors of society and are being imposed by all levels of government. The need to demonstrate accountability has become increasingly important as expenditures increase and the responsibility of the spenders comes under closer scrutiny. In a period of declining enrollments and fiscal stringency, the states are likely to increase rather than decrease their regulation of the public sector of higher education and to make inroads on the regulation of the private sector. As Glenny and Bowen put it:

> At high -- but never the less operational -- levels of generality, state government interest in educational policy regarding, for example, admissions and academic program quality and distribution, are most easily distinguishable from those of the institutions. State attempts to implement policy interests through planning and program review, often result in conflict with the institutions.[9]

As a result, and for a host of other reasons, the autonomy or independence of public higher education is perceived to be eroding.

Berdahl and his associates have discussed the traditional notion of autonomy: They distinguish between intellectual independence (or academic freedom); administrative independence (or procedural autonomy); and, academic independence (or substantive autonomy).[10]

Intellectual independence or academic freedom is the most widely regarded and protected of these issues. In fact, it has become an accepted principle in public and private higher education. In the past, legislatures and governors did try, frequently and successfully, to restrain or intrude on the academic freedom or intellectual independence of the professoriat, the student body of the institution. Such acts are exceedingly rare now.

Administrative independence (or procedural autonomy) is the least protected by tradition or statute. Most institutions, except those protected

by constitutional status (and in many cases not even these), are not free to choose the procedural or administrative practices to carry out institutional administrative policies. Many states demand that institutions and systems use "central purchasing; central personnel administration for non-academic staff; central approval of capital outlays for sites, plans, architects and so forth; central control of out-of-state travel; line-item budgets with central controls over transfers between items; pre-audits for propriety as well as legality of proposed expenditures; tight central controls over institutional use of overhead funds and revolving funds; and the increasing use of fiscal and management post-audits."[11]

These are the "nuisances" which accompany state funds. They may be costly to comply with. They may limit the flexibility of an administration to carry out its duties and create friction and irritation between administrations, faculties, systems, and executive and legislative staffs. But, the states do have the power to impose such constrants since they do appropriate the funds. Furthermore, not all institutions have managed their administrative and fiscal affairs in ways which would warrant absolute confidence.

State intervention in the administrative detail of college and university operations was first reviewed systematically by Moos and Rourke in The Campus and the State in 1959.[12] Their observations and tales of trial and horror remain apposite today. Demands for information proliferate, the numbers of audits increase and the time and effort required of faculty and administrators escalates -- all, probably, to the detriment of the institutions. Nor is it clear that the reports, reviews and audits are productive.

The ten state studies are replete with horror stories. In California, "literally hundreds of orders annually pour forth" from the central office of the California State University and College System; most require detailed reports and "they constitute a far greater burden on campus managers than the reports required by an increasingly regulatory national government establishment."[13] In Texas, the Legislative Budget Bureau showed through audits that institutions were using formula-generated funds for custodial services for educational purposes; consequently, the Bureau has created a system of monitoring the "needs" and "benefits" of research activities. In Wisconsin in 1976, the University of Wisconsin system had to deal with 39 separate audits: Eight were required to meet specific demands of the state Legislative Audit Bureau, eight by HEW, one by the Navy, and twenty-two were ordered by the University of Wisconsin itself. In the state of Washington in the 1973-75 biennium, a community college was asked to provide 15 reports on personnel transactions; during 1975-77 it was asked for 75 such reports, and it expects to provide 300 reports during the current biennium. During this whole period, there was no significant change in the level of activity. These examples of burdensome regulation do not enhance the quality of education provided by state institutions.

In 1976, the senior vice president of the University of Wisconsin System expressed his concern about the overall impact of overlapping audits and investigations in a letter to the State Auditor. He said:

> One of the general concerns I have...is the increasing and apparent need [by numerous state and] federal agencies to have more and more information on the way in which universities are managed, on their goals and objectives, and on performance evaluations and monitoring; all of this superimposed on similar demands made on this institution by the Board of Regents and Central Administration. My concern is

> with the escalating workload put upon the campuses by our collective efforts, all undertaken in the name of accountability. As the UW System seeks to evaluate its academic management efforts over the next two years, it will be our intent to try to reduce the impact we have had on increasing this workload by streamlining our procedures, delegating responsibility, and perhaps eliminating some steps. If we are successful in this effort, we will reduce the workload, reduce the need for increasing administrative budgets at the expense of instruction or instructional support budgets, and permit the institutions and the faculty to direct more of their energies and resources to fulfilling the purposes of instruction, research and public service for which they were created.
>
> The basic question is, 'When do we reach the point of diminishing returns when the human and fiscal costs of increasingly rigorous and formal processes of monitoring and evaluation exceed the value of any changes or corrections resulting from such processes?' I have an ever increasing feeling that we have reached and perhaps gone past this point of diminishing returns and that we need to give greater emphasis to the concept of delegation...unless this dismal prospect of consuming vast quantities of time and resources, the latter of which is becoming an endangered species, in watching and monitoring each other and with our productivity measures being the number of audits, surveys, and reviews we complete and the number and size of the reports that ensue.
>
> ...All of us need to be worrying about the increasing fiscal and human costs associated with these activities and the increasing possibility that our zeal for accountability may serve to strangle institutional initiative, inventiveness and innovation which the past have been the hallmarks of great educational institutions and systems.[14]

"Academic independence (or substantive autonomy) deals with the 'what' of academe rather than the 'how.'"[15] It is here that state interests and academic interests intersect and conflict; the line between the state's legitimate interests and the institution's concern for autonomy is unclear. The state is concerned with resource allocation -- can it afford to finance a program in the light of other priorities? Are existing or new programs or institutions cost-effective?

In Wisconsin, Stampen[16] describes increased state intervention into areas of academic independence in such activities as the "desirability of tenure; faculty relocation in light of projected enrollment trends; the priority of undergraduate instruction relative to research and public service; the extent of program duplication among the various system institutions; the ways the system could gain greater income through more extensive use of user fees; services to minorities and disadvantaged students; the extent to which enrollment in various programs corresponded with state employment needs; the effectiveness of the system's services for strengthening Wisconsin's economy and improving the state's health care system; and, encompassing several of the questions above, the viability of individual institution missions."

In the case of the state of Washington, Cope expects that the legislative committees will increasingly intervene in institutional decisions. Already the chair of a legislative committee successfully directed a regional university NOT to start a program in cooperation with a willing community college. He also suggests that "there is a growing impression in the legislature that the council isn't doing enough to 'manage' the institutions, whereas the institutions feel there is already too much Council involvement in their affairs."[17] Cope notes that academic independence has been eroded by the manner in which the state has handled negotiations over such issues as faculty unionization and legislating faculty contact hours; in addition, 26 legislative resolutions calling for the study of various parts of Washington's higher education system and legislative performance audits of faculty utilization at two senior institutions.

Adamany notes that while intensified state regulation has not invaded academic freedom, such regulation has "substantially intruded into areas such as curriculum, degree requirements and personnel decisions which had previously been left to governing boards, academic administrators and faculty."[18] He cites legislative mandates to award credit for remedial writing, to lay off faculty in reverse order of seniority rather than program need or qualifications and that faculty evaluations be disclosed to those persons being reviewed for promotion or tenure. Adamany sums up his study by noting that:

> The techniques of regulating have proliferated [as they have in all of the states.] The budget and audit process, letters of intention [accompanying budgets] and committee instructions, informal advice and agreed formulas have become major devices for regulating higher education...Higher education has not been singled out for expanded regulations, however; they have become more common in all state agencies as the Governor, Legislature, and their control agencies have become heavily involved in the management and administration of public services.[19]

By their nature, issues of academic independence involve the substance of the institution and bring it into conflict with the prerogatives of state oversight. The addition of new degrees and programs, the evaluation of existing programs, the determination of admission and graduation standards, the determination of faculty salaries and the definition and prescription of teaching loads all reach into the "heart of the enterprise."

In a time of financial constraint, it is no longer possible to avoid questions of quality and productivity within systems of higher education. Consequently, there has been an increase in the evaluation of academic programs in the context of their fiscal and management efficiencies. Glenny's work predicts that "even in states where higher education agencies now play a strong role in budgetary review, the increase in the number

and ability of Legislative and Executive budget staff will soon produce an unwillingness to defer much longer to the recommendations of a higher education agency."[20]

Adamany asserts that autonomy could be maintained and strengthened if mutual trust existed between the capital and the campus; he concludes that:

> It is almost inconceivable that any other public agency would request that elected officials provide a budget and a program mandate and then would assert that state government should neither prescribe rules for the conduct of the program nor rigorously hold the program to an agreed set of objectives and methods for assessing the agency's accomplishment of those objectives. In the long run...higher education cannot successfully adopt such a strategy.
>
> A strong case can be made that intensive state regulation of universities is counterproductive: it costs money, stifles creativity and diversity, defeats effective administration, and at its extremes intrudes upon academic freedom. But the other elements necessary to substitute a policy of delegation for one of ever-advancing regulation are only now being developed. Mission statements and evaluation techniques must be devised and adopted that will create sufficient official and public confidence to sustain pleas for a special relationship between universities and state governments, turning on delegated authority and program accountability.[21]

Appendix C discusses in greater detail a number of "proposed ententes" between the states and institutions of higher education.

C. Reassessment and Redefinition of the Roles and Missions of Systems and Institutions of Public Higher Education in a Period of Decline

Declining enrollments in the public and private sectors of higher education appear to be inevitable during the next decade. "Yet there persists, especially in the public sector, a strong belief that the consequences of declining enrollment will be minimal and that they can be coped with by such policies as more aggressive recruitment, changed admissions standards, and new programs."[22] The effects of declining enrollments may be felt unequally among the several tiers of public higher education in any one state and the time at which these effects will be felt will vary among regions.

Since, in most states, institutions are part of a multi-tiered system of higher education, it is essential that such systems within the public higher education sector and that each institution within a system reassess and, if necessary, redefine its mission, objectives and role. This effort will help to maintain quality within the system and institution, to reduce overlap and unwarranted duplication of programs, to avoid intra- and inter-system competition for students simply in order to maintain enrollments at the expense of quality, and to preserve some sense of order during the appropriations process.

However, the ultimate decisions will be made by the legislature and the executive through the budget process. In many instances, especially in rural communities whose economic base may be dependent on the presence of a state university, college or community college, local interests will become involved either directly or through their political representatives. The politics accompanying reorganization, merger or closing of institutions promises to be highly charged and intensely emotional.

At one extreme, the legislature of the state of Nebraska has determined the "role and mission" of each of the systems explicitly except for some politically-induced haziness between the University of Nebraska, Lincoln

and the University of Nebraska, Omaha. For the university, the legislature has declared that its first priority should be undergraduate instruction. while graduate and professional instruction and research is allocated second priority, followed by public service. With regard to the state colleges, the legislature has explicitly limited their role to providing undergraduate instruction in general academic, occupational and professional degree programs. They are prohibited from offering graduate instruction and each of the state colleges is assigned priorities. For example, the bill defining missions for public higher education in Nebraska says:

> Kearney State College may maintain its existing baccalaureate general academic, baccalaureate occupational, and baccalaureate professional degree programs, and shall limit new baccalaureate degree programs to the needs of its unique service area generally defined as the state's central region. Kearney State College shall not independently award the master's degree in business administration after September 1, 1980.[23]

More frequently, however, states have relied upon vague statements of mission. These must become more specific: they should include such objectives as the percentage of the state's high school graduates to be enrolled (particularly educationally-deprived high school graduates) and plans for the diversity and level of academic programs. Specificity will be required especially of the state colleges and state community colleges.

In most states the definition of the missions of systems and/or institutions of higher education is a joint responsibility of the Higher Education Agency, the central system office and/or the institution. Frequently, as in Florida and California, the legislature intervenes to distort or constrain scope and role statements which have been agreed upon. Legislators, through the appropriations process, may allocate funds and programs to particular institutions regardless of the recommendations of the head of a Higher Education Agency as often happens in Florida.

In California, the legislature has debated the relaxation of admission standards set for entrance to the University of California and the California State University and College System in order to facilitate increased minority representation in each of these systems. The legislature and the governor in Ohio have mandated programs to be established in particular institutions in spite of the Regents' (and in some cases institutional) objections: Eight of these mandated programs are in medicine.[24]

The device used most commonly to mandate changes in mission or to impose legislative priorities upon the missions of systems or institutions is the "letter of legislative intent" which is usually a staff document drafted after the budget has been passed. These are particularly common and burdensome in California and used often in many other states. One such letter of intent in Florida states:

> It is the intent of the legislature that the order of priority for promoting resources for programs in the State University system shall be as follows:
>
> 1. Upper level undergraduate
> 2. Lower level undergraduate
> 3. Master's level graduate
> 4. Doctoral level graduate
> 5. All remaining programs.
>
> It is further the intent of the legislature that adequate resources shall be provided to insure high quality in each program beginning with the first highest priority program and proceeding through each next highest priority program to the extent that resources are available.[25]

System and institutional missions are required in order to establish and plan programs and institutional development and change. Such mission statements also define the relationship of one system to another. Institutional administrators, state higher education planners and state policymakers must negotiate agreements on the mission of each component. Each must know how each system or set of institutions relates to one another and how they fit together to make up the landscape of higher education across the whole of the state.

In each state there are one or more "flagship" institutions. In most instances these are Research Universities I or II in the Carnegie classification.* It is in the interest of the state as well as the nation that these institutions retain their excellence in quality; this in turn requires that their fiscal needs receive priority as financial resources are allocated among public systems and institutions. These are the public institutions in which, with their counterparts in the private sector, most of the nation's basic research effort takes place. The quality of these universities sets the standards for the rest of public higher education although the mission of the rest of the system is different.

The flagship institutions are beset by four forces which act to reduce their dominance within the state. First, the relative appropriations for higher education by the states are level or declining while the competition for these funds from the other sectors of public higher education is increasing. The flagship institutions have to work harder to maintain their share and there are indications that they have been unable to do so. Relatively, the research universities have gained less in the way of appropriations during the period 1959-60 to 1974-75 than the other sectors of public higher education. If increased funding is a surrogate for increased quality, then only in eleven states are the research universities doing well and improving.[26]

Secondly, in many states, research universities must overcome the attitude of members of the executive and legislative branches of government who feel these institutions sacrifice teaching in favor of research.

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*The public flagship institutions in Delaware, Idaho, Maine, Montana, New Hampshire, North Dakota, Rhode Island, South Carolina and Wyoming are classified as Doctorate Granting Universities I. Those in Alaska, Nevada and South Dakota are classified as Doctorate Granting Universities II.

This fear resulted in the Florida "letter of legislative intent" quoted earlier in this section. Such concerns are also noted in Texas and Nebraska as well as in a number of other states.

Thirdly, flagship institutions located in relatively rural areas find there is increasing political support for the allocation of funds to Doctorate-Granting Universities located in major metropolitan areas. This phenomenon was reported from Ohio, Nebraska, Wisconsin and Florida in the state studies and exists in several other states as well.

Finally, some states are considering distributing programs of excellence among several universities rather than concentrating on maintaining and increasing the quality of the flagship institution(s). The appeal of such a policy to legislators is obvious. The concern for such a policy among leaders of flagship institutions who are confronted by this idea is obvious as well. Among the states studied, this idea is gaining greatest momentum in Florida, but it is also being considered in Nebraska and Ohio as well as other states.

State universities and colleges face different but equally troubling problems which will require that their missions and self-perceptions change. These institutions will probably be most affected by enrollment decisions and, if funds follow enrollments, by decreases in appropriations. In many states these colleges and universities evolved from normal schools which were distributed about the state to provide for ease of geographic access.

Consequently, these institutions are now faced with the most severe decline in enrollments in the public sector. In 1975, the latest year for which data are available, there were 31 four-year state colleges or

universities with enrollments of less than 1,000 students. An additional 97 four-year colleges enrolled between 1,000 and 2,499 students. The future of these institutions is in some jeopardy.[27]

Yet, the role these institutions play in American public higher education is significant. In 1976 almost 2,400,000 students were enrolled in these institutions. By far the vast majority of these students are undergraduates. Very rough estimates suggest that these institutions award about 350,000 of the almost 1 million baccalaureate degrees granted annually in the United States.

But the mission of these public colleges and universities will change. It is probable that some master's programs will be eliminated and that even greater emphasis will be placed on preparing students at the baccalaureate level. The emphasis on teacher training will continue to decline and even more emphasis is likely to be placed on preparing students for the bachelors degree in "occupational" and "vocational" subjects. In addition, these state universities and colleges are attracted to emphasizing programs for part-time and non-traditional students.

It will be the responsibility of the state Higher Education agency to monitor the apparent competition for students between the state college system and the community college system as the missions of each tend to converge and come to resemble one another more closely.

Hard decisions concerning the future of underutilized, geographically-isolated institutions will have to be made. Presently, states sustain such institutions with special appropriations. In the 1980s, states will have to consider a number of possible strategies, including:

1. the regionalization or consolidation of two or more of such institutions;
2. the reorganization of state colleges into branch campuses;
3. the reduction of the role and scope of a public graduate degree-granting institution to one which offers the baccalaureate degree only;
4. the closing of public institutions as a consequence of decreasing size combined with high costs; and
5. the merging or conversion of private institutions of higher education with or into public ones.

The outlook for state community college systems is perhaps less bleak than that of any other sector of public higher education. It is expected that these institutions will be less affected by demographic trends; the response of the public to them indicates that they are highly regarded as a valuable addition among the range of educational opportunities available.

But, in some states community colleges are located in areas of decreasing population and are, consequently, underutilized. Like some state colleges located in similar areas, these community colleges will present high unit costs and total operating costs in spite of decreasing enrollments. In some states, Massachusetts for example, a number of community colleges were "overbuilt" in anticipation of greater daytime enrollments than turned out to be the case. Higher Education Agencies and legislatures will have to review their policies towards the support of small institutions in order to maintain geographic access. The decision to continue or close small, relatively high-cost institutions and programs will be determined, in addition, by decisions regarding the quality and breadth

of programs to be offered, the size of the faculty and staff required to provide those programs, and their unit costs.

The mission of the community college system will remain the same for the future. They will provide an alternative to four-year institutions and remain open-access, low-tuition institutions of higher education. Not all states have clearly defined agreements for transfer of students from community colleges to four-year institutions. In each state without an explicit policy in this matter, clearly defined agreements should be a high priority among higher education policy issues.

Several commentators have criticized state executives and legislatures for locating community colleges, in the main, outside central cities.[28] They argue that the highest concentration of poor and/or educationally-deprived people are located in the central city and, if access is a goal to be achieved through low tuition, then community colleges should be located close by or among such populations. Serving educationally-deprived and non-traditional students should continue to be a high priority for the states and their community colleges.

III. FACULTY UNIONS AND GOVERNANCE

A. Overview

Faculty unions are a relatively new phenomenon.

The first was organized at the City University of New York in 1969. By 1978, enabling legislation was in place in 25 states and the District of Columbia. Faculty unions were organized on 600 campuses of which 230 or 38.3% were four-year campuses and 370 or 61.7% were two-year campuses. In the four-year sector of 230 campuses, 163 or 71% were public; in the two-year sector involving 370 campuses, 360 or 97% were public.

TABLE 7

SUMMARY OF FACULTY BARGAINING DECISIONS

	4-year Campuses			2-year Campuses			Grand
	Public	Private	Total	Public	Private	Total	Total
American Association of University Professors	24	25	49	5	1	6	55
American Federation of Teachers	70	18	88	119	6	125	213
National Education Association	46	13	59	183	2	185	244
A.A.U.P.-N.E.A.	4	0	4	7	0	7	11
Independent and Other	19	11	30	46	1	47	77
Total	163	67	230	360	10	370	600
Bargaining Rejected	22	38	60	14	3	17	77

Source: Chronicle of Higher Education, July 26, 1978. Data reported as of May 15, 1978.

The following table summarizes the distribution of faculty unions by sector and Carnegie Classification; it also shows the number of institutions which rejected faculty unionization in 1978.

TABLE 8

Carnegie Classification	Bargaining Unit Accepted Public	Bargaining Unit Accepted Private	Bargaining Unit Rejected Public	Bargaining Unit Rejected Private
Research University I	2	2	2	7
Research University II	9	0	1	3
Doctorate-Granting University I	7	2	3	4
Doctorate-Granting University II	2	3	0	0
Comprehensive Universities and Colleges I	52	15	8	1
Comprehensive Universities and Colleges II	28	9	6	2
Liberal Arts Colleges I	0	1	4	0
Liberal Arts Colleges II	2	16	8	0
2-Year Campuses	360	10	3	14
Specialty	59	18	0	0

According to a report in "Higher Education and National Affairs,"[1] the rate at which faculties are unionizing reached a new low in 1978. In only one state, Tennessee, was new enabling legislation passed (in 1977). In California, the enabling act was extended to include the State University and College System.

These unions represent about 500 of the institutions of higher education on about 600 campuses. They represent about 141,000 faculty and professional staff of whom about 120,000 - 123,000 are faculty members. These figures suggest that between 25% and 30% of the total eligible are in faculty unions.

Faculty unions predominate in the public 2- and 4-year sector, especially in those colleges and universities which have grown out of state teachers colleges or normal schools where "collegiality" in governance was never strong.

Apparently, states are increasingly reluctant to pass public employee bargaining laws which would permit the creation of faculty unions. In most

of those states with such laws, faculty unionization is almost complete. Where supportive legislation does not exist substantial faculty organizing has gone on in Ohio and Illinois among a few other states.

Apparently, faculty unions are less likely to be created and more likely to be rejected in the Research Universities and the Doctorate-Granting Universities, both public and private.

Two forces could act to alter this inference. First, if faculty salaries at these institutions continue to rise at rates significantly lower than inflation, economic pressure might create the conditions needed for unionization. Secondly, if tenure densities become so high and opportunities for advancement are closed to substantial numbers of junior faculty, then these younger, less well-paid faculty members may seize the opportunity to unionize.

For both public and private institutions, Mayhew[2] expects that by 1990, over 1,000 campuses with over 250,000 faculty members will be unionized.

B. Background

Colleges and universities are singular institutions in our society. It is not merely that they are "complex"; they have been described as "loosely coupled systems"[3] and institutions of "organized chaos."[4] These characteristics make it difficult if not impossible to predict the degree to which any specific issue will create interest and participation in its resolution.

Collegial norms and institutional loyalty, a "shared authority" form of governance and faculty authority to evaluate their peers existed in only a relatively few institutions prior to the 1950's. While enrollments and budgets were growing and while institutions of higher education grew in size, status and respect, conflicts could be resolved with some ease

TABLE 9

STATES WITH ENABLING LEGISLATION
FOR COLLECTIVE BARGAINING IN
HIGHER EDUCATION

Alaska (1972)
California (1975, 2-year institutions only); and 4-year (1977)*
Connecticut (1975)
Delaware (1970)
Florida (1974)
Hawaii (1973)
Iowa (1974)
Kansas (1970, 2-year institutions; and 1974)
Maine (1974, Vocational and Technical only; and 1975)
Massachusetts (1974)
Michigan (1973)
Minnesota (1974)
Montana (1975)
Nebraska (1972)
New Hampshire (1975)
New Jersey (1974)
New York (1967)
Oregon (1975)
Pennsylvania (1970)
Rhode Island (1973)
South Dakota (1973)
Tennessee (1977)*
Vermont (1975)
Washington (1973, 2-year institutions only)
Wisconsin (1974, Vocational and Technical only)

Source: Based on ACBIS, "Analysis of Legislation in 24 States Enabling Faculty Collective Bargaining in Postsecondary Education," Special Report #17 Update, May 1976.

*Updated information per telephone conversation with ACBIS.

TABLE 10

A STATISTICAL PROFILE OF COLLECTIVE BARGAINING IN PUBLIC POSTSECONDARY EDUCATION--1977: CAMPUSES WITH FACULTY COLLECTIVE BARGAINING AGENTS

	Four-year		*Two-year*		*Four-year and two-year combined*	
	Number of campuses	*Percent of public campuses in state*	*Number of campuses*	*Percent of public campuses in state*	*Number of campuses*	*Percent of national total*
Alaska			9	100	9	1.8
California			9	9	9	1.8
Connecticut	10	100	16	100	26	5.5
Delaware	1	50	4	100	5	1.0
District of Columbia	2	100	1	100	3	0.6
Florida	13	100	4	14	17	3.5
Hawaii	2	100	7	100	9	1.8
Illinois	5	39	21	45	26	5.4
Iowa	1	33	19	90	20	4.1
Kansas	1	13	9	42	10	2.1
Maine			6	100	6	1.2
Maryland	1	8	2	12	3	0.6
Massachusetts	10	67	15	79	25	5.1
Michigan	9	60	31	100	40	8.2
Minnesota	7	64	18	90	25	5.1
Montana	3	50	2	67	5	1.0
Nebraska	5	63	11	100	16	3.3
New Jersey	14	100	16	100	30	6.2
New York	37	93	44	100	81	16.6
Ohio	11	85			11	2.3
Oregon	1	13	8	62	9	1.8
Pennsylvania	17	74	14	36	31	6.4
Rhode Island	2	100	1	100	3	0.6
Vermont	3	75	1	50	4	0.8
Washington			23	85	23	4.7
Wisconsin	1	8	38	97	39	8.0
Outlying Areas (Guam)	1	100			1	0.2
Total	157	25	329	35	486	100.0

Source. Based on ACBIS, "Institutions and Campuses with Faculty Collective Bargaining Agents," *Special Report #12 Update*, February 1977.

Source: Carnegie Council on Policy Studies in Higher Education, Faculty Bargaining in Public Higher Education (San Francisco: Jossey-Bass Publishers, 1977), Appendix B, Part One.

and with little publicity or embarrassment. However, the conflicts which resulted from numerous changes in the late 1960's and early 1970's, coupled with the enactment of public employee bargaining legislation, were contributing causes to the growth of faculty unionization in the public sector.

Faculties, especially in the public sector, could no longer feel protected by relationships based on trust to counter the changes imposed by their "environments," especially the state and its executive and legislative staffs and agencies.

For example, at SUNY, a period of rapid growth of enrollment and appropriations in the 1960's was followed by a period of level enrollment and budgets. Economic conditions in New York State during the early and mid 1970's led to a period of fiscal retrenchment during which faculty salaries barely matched inflation. Subsequently, the decline in enrollments was perceived by the faculty as a threat to their security and unionization followed. In Michigan, Central Michigan University, which had been a state teacher-training institution, grew into a Comprehensive University. It underwent enormous expansion and recruited large numbers of new faculty who created an academic senate. After a new administration was put in place it changed past administrative procedures and practices which created conflicts with the academic senate. Since these could not be resolved by normal administration-senate action, the faculty decided to unionize.

The election unit determination will govern whether the unit will be made up of only traditional faculty members or permit others (librarians, counsellors, researchers, etc.) to join in. Whatever the election unit, it may choose to be its own bargaining unit or join with others in the system to form

a bargaining unit which represents a system of similar institutions. In Ohio and Michigan the first option is followed while other states have chosen the second. Arguments rage around the inclusion or exclusion of department chairmen. Finally, the faculties of schools of medicine and law often, but not always, form their own election and/or bargaining units. When this happens it is usually because of differential salary levels.

The scope of bargaining permitted by a state is important since it determines the terms in the contract and hence affects the governance of an institution. In most states the mandatory issues include grievance procedures, work hours and workloads, pensions, insurance benefits, leaves of absence, holidays, evaluation procedures for retention and promotion, salaries, and the impact of administrative decision on policy making.

> But it is the public institutions that are influenced more dramatically by the decisions of legislators, state executives, state education agencies, state- and system-level boards, their own administrators, and union leaders at the system and campus levels. These decisions shape the bargaining structure, which includes the scope of bargaining, the identity of the employer and the employer's negotiator, the range of the bargaining unit, the number of levels of bargaining permitted, and the existence of an agency shop. Each of these factors shapes the effects of faculty bargaining on a particular campus, and the impact of each must be weighed when assessing the total impact of faculty bargaining on the operations of an individual college or university.[5]

Although governance issues are best left out of the contracts, they appear increasingly, usually because faculty were excluded from governance decisions prior to unionization. More flexible governance policies can be developed outside the negotiation and thereby protect governance from becoming enmeshed in economic issues.

Procedures to be followed during retrenchment are also appearing more frequently in contracts. As faculties realize that enrollments are declining, budgets are tighter and that job-markets are contracting, they feel the need for protection in the form of retrenchment provisions in the contract. Most contracts specify the reverse order of seniority as the criterion for cut-backs in faculty. A few include provisions for the merit of educational programs and faculty specialization. Most writers suggest that specific retrenchment procedures not be included in the contract but that they include provisions for faculty participation in developing retrenchment policies and decision-making procedures for selecting faculty to be laid off.

In a number of states it has proven difficult to identify the employer. In 10 states the higher education agency represents management by law. In the other states, typically a state employee selection office responsible to the Governor conducts the negotiation. Commonly this office consults with central system management but rarely with campus administrators. Thus, the presidents of constituent public institutions, who are the immediately responsible administrators, have little or no direct involvement in the bargaining. As a consequence, critics suggest that this kind of structure and process contributes to the centralization and to the increase in state intervention in higher education.

A number of writers on the subject have suggested that bargaining and budgets be split. Where appropriate, in states with multi-tiered systems and bargaining units, economic issues would be negotiated at the state level while "academic" issues could be negotiated at the institutional level. Bi-level bargaining permits the "particular needs of the institution and its faculty to enter the bargaining process, and [preserves] the negotiations from interference by political or state education

authority."[6] Because the constraints of state laws, which are designed for traditional public employees, do not take into account the peculiar nature of faculties or institutions of higher education, some daring and administrative imagination are required to bring off bi-level bargaining. In New Jersey, public colleges use local letters of agreement which accommodate the needs of both parties and thus achieve the objectives of bi-level bargaining. When relations between administration and faculty are good, informal coalitions can achieve these ends as well.

It has also been suggested that the operating budgets of public institutions be split so that the base for faculty salaries can be appropriated with some ease, and that the negotiated salary increases which must be ratified by the legislature where it may meet objections, political problems and delays, can be appropriated separately.[7]

C. Impacts on Campus

Creation of faculty unions have had a varying effect on the operating procedures of the campuses on which they are organized. On some campuses there has been an almost complete transformation and the union has acquired considerable power. In such cases, the union and administration are almost invariably in an adversarial role towards one another. At other institutions faculty unions have generated modest changes in the decision-making process but have had little impact on most operating procedures. The consequences of faculty unionization on the operation of the institution depends on faculty-administration relations prior to the organization of the union.

At one time it was feared that faculty unionization and collective bargaining would damage and distort governance procedures; would create changes in the professional roles of the faculty and inhibit

their scholarly production; would divert the faculty from academic issues and lower educational standards; would delay and defer innovation and experimentation; and, perhaps most importantly, would weaken the criteria used to evaluate peers.

None of these fears have been proven justified. Even in institutions in which the faculty has traditionally participated strongly in decision-making, the contract has frequently been of help in formalizing and assigning responsibilites in making decisions.

The introduction of grievance procedures has resulted in due process for all personnel decisions and has also created, in most unionized institutions, more fair and more consistent evaluation criteria. Although these procedures have led to more careful record-keeping, they have resulted in less "mysterious" or apparently arbitrary decisions.

Faculty unionization has changed the nature and function of some faculty senates. Three patterns have evolved.[8]

The cooperative model permits the faculty senate and union to co-exist independently and to recognize and respect their primary areas of concern. The competitive model, found in large statewide systems, describes the competition between senate and union to dominate on major issues and, consequently, the leadership of each of the elements is different. In the third model, the senate dissolves into the union. Governance committees are then defined in the contract and the union dominates the selection of committee members.

Faculties and other professionals exercise power independently, being permitted to set the standards of entry, to control access and to assume sole responsibility for peer review of their associates.

As in most other matters, contract provisions regarding faculty evaluation vary considerably. Some contracts call for periodic evaluation of faculty, tenured or not. Some contracts prescribe detailed evaluation criteria and procedures; others merely formalize existing practices. Others have created joint management-union committees to draft standard evaluation procedures.

The norms of merit and achievement have been maintained in promotion decisions rather than the traditional union emphasis on seniority. The presence of the union is credited with the development of more systematic and formalized promotion policies. On this issue the faculties seem to have gained as a consequence of the presence of the union, while the influence of deans and chairmen of departments has declined.[9] The concern that the relation between academic freedom and tenure would be diluted in favor of job security; that tenure would be bargained away for increases in salary or that tenure might be granted "by default," has come to pass on only rare occasion. The issues still warrant vigilance, especially as financing tightens up even further.

Tenure as a faculty member's "property right" remains secure subject to the traditions of due process on decisions to award or to terminate it.[10] But the faculty, through collective bargaining, has asserted the right to establish tenure quotas, which create friction between the parties, and also to determine the conditions and processes of terminating tenured faculty.

Finkin suggests that it is paradoxical that in colleges and universities where faculties do play a significant role in decision-making, professionals would accept a labor-oriented mechanism to protest management decisions.

> Perhaps no other single aspect of collective bargaining places the tension between the professor's legal status as an employee and his status as a professional so strongly as the contractual grievance procedure and the manner of its administration.[11]

Prior to faculty unionization, most faculty had no recourse but to appeal decisions to external agencies, the AAUP or in certain states to

the legislature. Now, most state public employee bargaining laws make bargaining over grievance and arbitration procedures mandatory.

It is interesting to note that faculty unions, too, have achieved rights under contracts negotiated with states or state systems. Because the union may determine that a decision on an issue is of broad significance and has far-reaching implications it may continue a grievance procedure even if the faculty member wishes to withdraw.

Experience suggests that external arbitrators have found it difficult to distinguish procedural judgment from academic judgment and the language of contracts seldom clarifies this distinction. As a consequence, rulings on due process procedures have, at times, reversed academic decisions. Creating formal grievance procedures has probably helped the professoriate especially in institutions in which faculties had little to say about decision-making prior to unionization. The process of resolving conflicts has changed but the standards of maintaining academic quality and peer review have not.

While unionization may have brought about increases in salaries in its early years, market forces have, since 1975-76, tended to stabilize the differences in salaries between union and non-union faculty, and salaries may now be converging. Merit pay does not seem to be affected by unionization. It is difficult to introduce into systems without it or implement in systems with it.

Of greater impact on institutional budgets have been the "process costs." Average cost per grievance at Rutgers during a five-year period ranged between $20,000 and $50,000.[12] The costs of preparing for the first contract can range from $140,000 to $255,000 depending on circumstances.[13]

Governance affects planning and budgeting. Faculty unions affect governance and increasingly attempt to influence and participate in

planning and budgeting decisions, especially by raising to higher levels, the decisions which once were made on campus.

As Crossland notes, "real power gravitates toward those who control the budgets, assume responsibility for securing institutional revenues, and determine the allocation of resources."[14] Faculty unions in several states are pressuring to increase their participation in budgeting. In some cases, faculty unions lobby legislatures and state chief executives. In some cases their efforts are limited to the local campus or system. To counter the efforts of faculty unions, administrations have increasingly adopted a policy of "full disclosure of institutional budgets to union leaders. Full knowledge of the budget leads to greater 'fiscal responsibility' on the part of the union,..., and facilitates informed decision-making."[15]

D. Summary

Faculty unions are factors of more increasing concern in public higher education than in private because faculty unions are more common in the public sector, especially among the two-year institutions and those public colleges and universities which evolved from state teachers colleges or normal schools. In the public sector unionization has tended to increase the degree to which decision-making is centralized.

In the public sector, the particular and singular interests and concerns of individual institutions may be lost as statewide collective bargaining goes on. To some extent this condition can be ameliorated, if state law permits, by:

1. appointing local governing boards (where such exist) as management representatives on academic issues affecting the institution;
2. insisting on institutional autonomy over personnel, academic and planning decisions;

3. introducing bi-level bargaining to support points 1 and 2;

4. splitting budget appropriations.

Retrenchment probably increases the need for long-range fiscal and academic planning. Disputes arising from contracts containing retrechment clauses should not be permitted to blind agencies and institutions to this fact. The faculty union must be involved in the planning process in order that union leaders are made aware as early as possible of the difficulties facing the institutions. Such awareness may make the context of future bargaining more realistic.

Governance on campuses which have faculty unions is more political and less collegial even under the best of conditions. Administrators and union leaders will require political skills in dealing with the process of making decisions and a sense of collegiality in shaping the substance of decision-making in the policy and planning arenas.

To date unionization has abetted the proliferation of state regulation by encouraging an adversarial relationship between the state government and the faculty of its state universities, colleges, and community colleges. In statewide negotiations for large systems unionization still constitutes a threat to institutional autonomy. But, faculty unions are here to stay. Consequently, states should be wary of using the negotiating process as an opportunity to interfere with educational policy matters.

IV. STATE FUNDING PROBLEMS AND THE MAINTENANCE OF QUALITY DURING A PERIOD OF DECLINE

A. Appropriations and Formulas

While state expenditures for public higher education remain high and are rising, appropriations for higher education as a proportion of total state budgets have levelled off and, in a number of states, has declined. Within any state, system and institutional leaders are concerned about the guidelines being followed by the state's chief executive and his or her staff in recommending the level of funds for public higher education. They are equally concerned with the willingness of legislatures to appropriate funds adequate for the operation of the system or institution. Not only is the higher education leadership concerned with recommendations and appropriations of money, they are worried as well about the guidelines used to determine these amounts. Finally, each institution or system is anxious about mechanisms used to allocate funds among the systems or institutions.

The reason for this anxiety is not difficult to find. Most states determine the level of budget recommendations or legislative appropriations by means of formulas. Such formulas are usually negotiated between the state higher education agencies and the institutions with considerable inputs from legislative and executive staff. The formulas are designed to establish and maintain equity among institutions or systems. Presumptively, they make the budget requests and legislative appropriations non-political matters. Formulas are also means by which institutions with differing missions can be funded at different levels.

The formulas used by states vary considerably. In Texas and Ohio they are very complex: in Texas the institutional budget request depends upon twelve formulas; in Ohio sixteen formulas are used. In Louisiana

the formula is much simpler and less able to respond to distinctions among institutions. In Massachusetts, while formulas exist now, until recently a state college president had to negotiate directly with the chairman of the House Ways and Means Committee in order to hire an assistant professor mid-way during the year. Most of the formulas developed over the past two decades have been "enrollment driven." That is, budget requests and appropriations increased as the enrollment in an institution (usually defined in Full-Time Equivalents or FTE) increased. They worked well while enrollments were increasing. Because they are enrollment-driven they do not work well during periods of decline.

Legislators in a number of the states studied, do not understand why budget requests do not decline as enrollments decline. In addition, in the face of enrollment-driven formulas, institutions are tempted to reduce standards of admissions and quality of education in order to maintain enrollment levels.

During a period of declining enrollments institutional budgets which are enrollment-driven will decline by an amount approximately proportional to the decline in enrollments. Yet, many of the operating costs of a public college or university are fixed and do not vary with enrollment. For example, the budget for faculty salaries, especially tenured faculty, is independent of the number of students enrolled at an institution. Therefore, total operating costs do not decline or, if they do decline, they do so at a rate much less proportional than the decline in the number of students. Consequently, public colleges and universities face increased unit costs, over time, and increased total costs unless faculty salaries are reduced or such things as maintenance are neglected.

Already, states have tried a number of expediencies in order to solve this problem. In some states legislatures have mandated a fixed percentage decrease in the budgets for public institutions of higher education. In a sense, the legislature demonstrated, by this means, its concern for equity since it was willing to starve each institution equally. The same legislatures have left it to either the higher education agencies or the institutions to determine for themselves how to meet these reduced budgets. Institutions find such arbitrary decisions difficult to deal with. A number of states have tried to deal with this problem by mandating regulations to increase faculty productivity by enlarging student/faculty ratios or the number of student contact hours expected of each faculty member.

System managers and institutional leaders have proposed funding formulas which make ever-increasingly fine distinctions among programs and services offered by the institution. Frequently, they have suggested the elimination of enrollments in determining the funding for research and service activities. They have often requested changes in the formulas for funding part-time students, invariably in favor of the institutions.

They fear that present formulas create budgets and appropriations "without regard for the complexity of the systems' missions and services."[1] Clearly, a solution to this problem is to seek ways of budgeting and appropriating funds for colleges and universities which are less dependent on enrollments.

States should move away from enrollment-driven formulas and create formulas which combine a flat base grant with a grant of funds per FTE student enrolled or per baccalaureate degree awarded.* The base would vary among different levels of institutions and the FTE component might be related to a determination of maximum efficient size for each institution

*See next page.

or group of similar institutions in a region of a state. Such a system would guarantee that an institution, during periods of declining enrollments, would have at least a minimal financial base from which to develop new missions or face the prospect of closure. The institutions' dependency on enrollments for existence would be reduced and might prevent the intense competition for students which inevitably results in the lowering of standards and the reduction of quality.

Before elaborating on this proposal, it is appropriate to emphasize that its purposes are (1) to avoid systemic malnutrition which occurs when all institutions are forced to reduce expenditures by a fixed amount; (2) to reduce an institution's propensity or disposition to compete for students in undesirable ways, and thus (3) to promote the maintenance of standards of quality for admissions and programs, and (4) to provide a "grace" period for an institution threatened with closure as a consequence of decreased enrollments in the face of which an appropriate breadth of curricular and program offerings cannot be maintained.

The proposal may better be described by an example. For convenience, assume that a state college whose enrollment is 5,000 FTE students can be operated on a budget of $10,000,000 or $2,000 per FTE. Assume as well that enrollments decline and that the state adopts a formula for funding this institution which consists of a base grant and a grant per FTE student.

A state might determine to set the base grant at $5,000,000 plus

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* It is not clear which of these two measures is best used to determine the enrollment-based grant. To base the grant on degrees awarded invites abuse by lowering programmatic standards and inviting grade inflation in order to graduate as many students as possible. To base the grant on FTE invites abuse by lowering admission standards. Perhaps there is no way to design a formula which cannot be taken advantage of by administrations and faculties willing to do so. In anticipation of and in order to prevent abuses, a quality control and consumer protection mechanism is required. A procedure to achieve these ends is described in the next section of this paper.

a grant of $1,000 per FTE. If enrollment remains the same, the institution receives $10,000,000; enough to meet its normal operating budget. If enrollments decline to 4,000, the institution would receive $9,000,000 or a decrease of 10% in operating funds compared to a 20% decrease in enrollment. This formula is closer to reflecting economic reality than is a totally enrollment based formula. The same institution under a totally enrollment-driven formula would have received a decrease in appropriations directly proportional to the decrease in enrollments. In this example it would have been $8,000,000.

Grants per FTE could vary between upper and lower undergraduate FTE, graduate students, etc. The base grant would vary among types of institutions and account for special conditions. The FTE count might be calculated on the basis of a moving three-year average which would also be a means of avoiding the slow starvation which accompanies enrollment-driven formulas. The base brant might be indexed.

The base grant offers the institution an assurance of protection for at least a while from the financial crunch of declining enrollment. It avoids appeals for ad hoc supplementary appropriations justified only to keep an institution open. It provides decision-makers with ways of financing a state college while the institution adjusts to declining enrollments and allows a period of time in which to justify its existence. This proposal addresses the problem of how to fund a state college while it remains open. It is independent of a decision to close, merge or reorganize an institution.

Decreasing the enrollment-driven portion of appropriation formulas will relieve the financial squeeze, making it easier for public colleges and universities to justify remaining open. In effect it will shift the financial pressure caused by declining enrollments from colleges short of operating

funds, to state legislatures which would spend more on higher education than they would under totally enrollment-driven formulas. Under any formula, financial pressure on public colleges and universities ultimately reverts to the state legislature. The distinction here is that the proposed formula incorporates the necessary changes explicitly in the budget process. Enrollment-driven formulas require the public college or university to cut back on operating expenses or to make an extraordinary budget request.

The proposed formula relieves some of the financial pressure on public colleges and universities and makes it easier for them to remain open when enrollments decline. Its use could create the situation in which a number of the public colleges in a state are operating with a surplus capacity but none is closed. In order to prevent this, states should put in place a strong mechanism for closing public colleges and universities, when this is warranted, before adopting the new appropriation formulas.

The decision to close, merge, or reorganize an institution should be determined by matters of quality, consumer protection and costs as well as on political grounds. Some of these issues are addressed in the next pages.

B. The Maintenance of Quality as Enrollments Decline

The competition for students is fierce. In many parts of the country it is already baneful. The temptation in both the public and private sectors of higher education to "hustle" for students will be enormous. A recent report issued on the FTC Trade Regulation rule hearings contained the following statement on public institutions:

> Symptomatic of the increased competition is the tendency of the public institutions to hustle students. ...we now have...a dog-eat-dog situation. There has always been competition for top athletes at the best schools, but now it is simply a matter of keeping the classes filled and surviving. Thus, colleges may now be found to have mobile recruitment vans at shopping centers; their unsolicited mailing programs have become enormous; and their radio, television, newspaper, billboard, and bus sign advertisements are proliferating.[2]

Already "off-campus," "branch-campus" and "out-of-state campus" activities have proliferated, created some scandals and caused a "back-lash" in the states invaded. Stephen K. Bailey's devastating indictment of the wretched programs offered by higher education institutions on military bases located hundreds of miles from their home campuses is a harrowing review of one aspect of this practice.[3] A New York Times article tells of 22 out-of-state schools operating programs at 39 Florida sites.[4] In Maryland, 15 of the 30 out-of-state colleges and universities closed their operations rather than meet regulations established by the higher education agency to monitor them. The indiscriminate admissions of foreign students is merely one of a number of attempts, often ill-considered at least, to attract students in order to maintain enrollments and financing.*

In the face of such competition, can public and private institutions of higher education maintain their integrity? Given the emphasis on variety, diversity and pluralism, can American colleges and universities maintain the quality of the education offered within the missions and goals they define for themselves?

Institutions funded by enrollment-driven formulas are not easily able to reduce their size; an institution that grew by 50% in the period of expansion cannot easily shrink by 33% and remain in business. Under such intense conditions of competition for students, practices have

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*One 4-year college on the west coast reports that 40% of its undergraduate student body are foreign, mostly from the middle-east. Reliable data for the country are not available.

arisen which the traditional accrediting agencies cannot control nor do they wish to be held responsible for controlling. Besides, virtually all of traditional higher education is already accredited.[5]

Among the practices which are engaged in by colleges and universities and which serve to decrease the educational quality of an institution are:

1. Programmatic features

   - the recruitment of students through the use of degree options that sound romantic but which offer few opportunities for their graduates in the real world;
   - the offering of programs of study that are shoddy because the potential student enrollment is insufficient to justify adequate facilities and faculty;
   - use of accreditation and licensure authority of a home campus to franchise branch campus operations.

2. Improper granting of credits

   - the overaward of credit in order to attract students or to qualify students for full-time status...(grade inflation);
   - the recognition of life experience or credit by examination that is unwarranted in relation to actual accomplishments...;
   - the award of credits for non-collegiate preparatory work.

3. Lowering of standards of admission

   - the reduction of standards of performance in order to retain tuition-paying students (grade inflation);
   - the admission of students who are unprepared for college without providing adequate counseling or remedial programs.

4. Lack of information

   - the failure to provide adequate information to students and prospective students (see (g), page ~~49~~ 55).

Some institutions may not be aware that they are engaging in exploitive activities. As with measures calling for increased disclosure,

means will always have to be on hand to distinguish the unethical from the incompetent.

Constitutionally, responsibility for education, including higher education, rests with the states not the federal government. Further, 80% of the students in higher education are enrolled in the public sector. Thus it seems reasonable to charge state governments with the responsibility for maintaining minimum academic standards and for the prevention of fraud. In addition to enforcing minimum licensing standards, 28 states vest in their higher education agency the authority to review academic programs in greater detail in order that quality be maintained. Of those 28 agencies, 20 had program review authority and 8 had authority to recommend program approval.[6]

In 21 states, authorizing, approving, chartering, or licensing new degree granting institutions is the responsibility of the state higher education agency. In 11 states, the responsibility lies with the board of education and in 5 other states with separate agencies. Thirteen states have no licensing or approval agency at all.[7]

The issue may be resolved into two parts. First, a mechanism to establish and enforce minimum standards of quality and conduct on the part of colleges and universities in order to protect the consumer as well as the state and federal governments from fraud is required. Secondly, a mechanism must be set in place to assure the maintenance of quality within institutions of higher education.

To achieve the first objective, the licensing of institutions to meet minimum standards of quality and to offer basic consumer protection, states should adopt legislation which meets the standards set by the Task Force on Model State Legislation for Approval of Postsecondary Educational

Institutions and Authorization to Grant Degrees.[8] The purpose of the model state legislation is to vest in the state higher education agency the power

> (a) [to establish] minimum standards concerning quality of education, ethical and business practices, health and safety, and fiscal responsibility, to protect against substandard, transient, unethical deceptive or fradulent institutions and practices;
>
> (b) [to prohibit] the granting of false or misleading educational credentials;
>
> (c) [to regulate] the use of academic terminology in naming or otherwise designating educational institutions;
>
> (d) [to prohibit] misleading literature, advertising, solicitation, or representation by educational institutions or their agencies;
>
> (e) [to provide] for the preservation of essential academic records; and
>
> (f) [to provide] certain rights and remedies to the consuming public and the [Agency] [Commission] necessary to effectuate the purposes of this Act.

The Model Legislation should be strengthened to include an additional provision:

> (g) to disclose, fully and fairly, the institution's strengths and weaknesses including such things as the characteristics of who is admitted, standards and rates of grading and retention, what is taught and by whom, etc. In addition, the institution should be prepared to explain clearly its admissions policies, procedures, availability and continuity of student aid, tuition and refund policies, degree requirements, etc.

No institution of higher education should be granted exemption from state licensing and oversight. Presently, exemptions from state oversight are most frequently granted to those institutions which (1) are accredited, (2) existed prior to a certain date, (3) are regulated by a state professional board, (4) are incorporated as a non-profit institution. With adoption of the Model Legislation, such exceptions should be stopped.

To achieve the second objective, the maintenance of quality within higher education, states should delegate to higher education agencies academic oversight of the quality of education being offered.

The responsibility for academic program review should be vested in a state public agency, but the actual review process should be carried out by the traditional method of reliance on academic peer groups. The accrediting associations conceivably can be used as the instruments for organizing peer group review. Reliance on peer review rather than the use of state officials will help maintain the delicate boundary between academic accountability and academic freedom. However, if the quality review process is to have the bite that it requires, it must ultimately carry the authority of the state. Moreover, prudence dictates that the peer review mechanism be monitored for academic "back scratching."

In addition to primary reliance on peer review, the process should have the following characteristics:

1. separate higher education from the vocational and proprietary sectors for the purposes of oversight and quality;

2. occur periodically, perhaps every five years or be responsive to some "triggering" device;

3. cover both private and public institutions (The state's power to license private colleges and universities may be sufficient to bring the private sector into the system.);

4. cover undergraduate as well as graduate level programs, especially in the traditional arts and sciences;

5. disclose the results of the review process sufficiently widely to assure that if changes are recommended they are brought about. The results of the review should be made known to the institution, to the public, and to members of the executive and legislative branches of state government. In the interests of fairness, the institution should have time to respond to the suggestions for improvement

> before the evaluation is published. It might be wise to establish a year's delay between the completion of the review and its publication. This would allow the institution to initiate action in response to criticism. The institution's response should be published along with the review.

In states where such reviews already have been undertaken, the responses have varied. In the state of Washington, when the Council on Postsecondary Education recommended the discontinuance of Ph.D. programs in English and history at Washington State University, the faculty raised the spectre of academic freedom and successfully postponed a decision for several years. In the state of Louisiana, the Board of Regents, after conducting sensitive academic reviews with the cooperation of the institutions, were successful in terminating a number of doctoral programs.

The academic program reviews should provide the basis for the determination of state priorities in higher education. Combined with budget constraints and estimates of market opportunities for graduates of various programs, they will provide state executives and legislatures with a rational basis for decisions about the level of public funds for higher education and their distribution among the several sectors of the system.

Changing the funding mechanism for public higher education combined with the mechanisms designed to maintain the quality of education in all systems of the public higher and private sector will go far to assist their public colleges and universities to sustain their missions of access and excellence.

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APPENDICES

APPENDIX A

VARIETIES OF STATE COORDINATING AND GOVERNING BOARDS

Brief descriptions of the major responsibilities and functions of state consolidated governing boards and coordinating agencies are noted on the following pages reproduced from Millard's "State Boards of Higher Education."

Two categories of consolidated governing boards are presented depending on whether the board has the power of program review and the preparation of budgets for all public institutions of higher education (IA) or for only the senior or four-year colleges and universities (IB). For each state in categories IA and IB, the systems for which the consolidated governing board has planning responsibility are listed.

Six categories of statewide coordinating boards are defined in descending order of authority for program review and responsibility for budget preparation or only review and recommendation. For each state in each of the six categories, the planning responsibility is briefly described.

Since the publication of Millard's monograph, Nebraska's coordinating council has been given modest review authority over budgets and is no longer among the states described in Type III. Note that Type III includes states in which there are only "1202 Commissions."

Table 1: State Coordinating and Governing Boards

I Governing Boards

A. Program approval and consolidated or aggregated budget—
All public institutions (11)

1. Alaska — Board of Regents
Planning: Public senior, community college and postsecondary vocational education

2. Georgia — Board of Regents
Planning: Public senior and community college

3. Hawaii — Board of Regents
Planning: Public senior, community college and postsecondary vocational education

4. Maine — Board of Trustees (Note: Does not include Maine Maritime Academy or five vocational technical institutes under the Board of Education)
Planning: Public senior and community college

5. Montana — Board of Regents
Planning: Public senior and community college

6. Nevada — Board of Regents
Planning: Public senior and community college and postsecondary vocational education

7. North Dakota* — Board of Higher Education
Planning: Public senior, community college and postsecondary vocational education

8. Rhode Island — Board of Regents (Note: Includes all public education in the state)
Planning: All of education, public, private and proprietary (as 1202 commission)

9. Utah — Board of Regents
Planning: Public senior, community college, postsecondary vocational education, private and proprietary

10. West Virginia — Board of Regents
Planning: Public senior and community college

11. Wisconsin — Board of Regents
Planning: Public senior and two-year learning centers

B. Program and consolidated or aggregated budget—
Senior institutions only (7)

1. Arizona — Board of Regents
Planning: Public senior

2. Florida — Board of Regents
Planning: Public senior

3. Idaho — State Board of Education (Note: While the board reviews and recommends programs for community colleges, it does not have approval authority. State support of community colleges is determined by formula.)
Planning: All of education, public, private and proprietary (as 1202 commission)

*Does not include three community college that are locally autonomous.

4. Iowa — Board of Regents (Note: The Regents have joint statutory responsibility with the State Board of Public Instruction to annually approve aid for the area schools and community colleges, and in this context play a minor role in community college budgets.)
Planning: Public senior

5. Kansas — Board of Regents
Planning: Public senior

6. Mississippi — Board of Trustees
Planning: Public senior

7. North Carolina — Board of Governors
Planning: Public senior, community college, postsecondary vocational education, private

8. South Dakota — Board of Regents
Planning: Public senior (no community colleges in South Dakota)

II. Coordinating Boards

A. Program approval for all public institutions and recommend consolidated or aggregated budgets (17)

1. Colorado — Commission on Higher Education*
Planning: Public senior, community college, postsecondary vocational education and private

2. Connecticut — Commission for Higher Education
Planning: Public senior, community college, postsecondary vocational education, private and proprietary

3. Illinois — Board of Higher Education
(Note: While the Board proposes an aggregated budget, each of the five segments submit budget bills to the legislature.)
Planning: Public senior, community college and private

4. Indiana — Commission for Higher Education
Planning: Public senior, community college, postsecondary vocational education and private

5. Kentucky — Council on Public Higher Education
(Approval limited to graduate, professional and community college programs)
Planning: Public senior, community college, postsecondary vocational education

7. Massachusetts — Board of Higher Education
Planning: Public senior and community college

8. Missouri — Department of Higher Education
Planning: Public senior, community college, postsecondary vocational education and private

9. New Jersey — Board of Higher Education
Planning: Public senior, community college, postsecondary vocational education and private

10. New Mexico — Board of Educational Finance
(Program approval, graduate programs only)
Planning: Public senior, community college postsecondary vocational education, private and proprietary

*Does not include four community colleges that are locally based.

11. Ohio — Board of Regents
Planning: Public senior, community college, postsecondary vocational education and private

12. Oklahoma — State Regents for Higher Education (Note: Appropriations made to the Regents and allocated by Regents among institutions)
Planning: Public senior, community college, postsecondary vocational education and private

13. Oregon — Educational Coordinating Commission
Planning: All education, public, private and proprietary

14. Pennsylvania — State Department of Education
(Note: Board also has governing budget management responsibilities for "state owned" institutions [state colleges])
Planning: Public senior, community college, postsecondary vocational education, private and proprietary

15. South Carolina — Commission on Higher Education
(Consolidated budget limited to senior institutions.)
Planning: Public senior, community college, postsecondary vocational education and private

16. Tennessee — Higher Education Commission
Planning: Public senior and community college

17. Virginia — Council on Higher Education
(Budget recommendations for senior institutions only.)
Planning: Public senior and community college

B. Program review and recommendation and recommend consolidated or aggregated budget. (2)

1. Alabama — Commission on Higher Education
Planning: Public senior, community college and postsecondary vocational education

2. Arkansas — Department of Higher Education
Planning: Public senior, community college and private

C. Program review and recommendation. Institutional or segmental budget review and recommendation. (5)

1. Alaska — Commission on Postsecondary Education (1202)
Planning: Public senior, community college, postsecondary vocational education, private and proprietary

2. California — Postsecondary Education Commission
(Note: Budget review consists of analysis of faculty salaries and costs of instruction. Findings available to budget review agencies.)
Planning: Public senior, community college, postsecondary vocational education, private and proprietary

3. Maryland — Council for Higher Education
Planning: Public senior, community college, postsecondary vocational education, private and proprietary

4. Minnesota — Higher Education Coordinating Board
Planning: Public senior, community college, postsecondary vocational education, private and proprietary

5. Washington — Council on Postsecondary Education
Planning: Public senior, community college and private

D. Program approval, all public institutions. Institutional budget review but recommend formulas, not budgets, to governor and legislature (1)

1. Texas — Coordinating Board, Texas College and University System
Planning: Public senior, community college, postsecondary vocational education and private

E. Program approval, all public institutions. No statutory role in budgetary process. (2)

1. Michigan — State Board of Education
(Note: The Michigan Board of Education can advise on financial requirements of higher education institutions, but it does not have the statutory authority to review and recommend institutional budgets. Its role in program approval has recently been ruled by the courts to include mandatory review and recommendation for approval or disapproval
Planning: Public senior, community college, postsecondary vocational education and proprietary

2. New York — Board of Regents
Planning: All education — public, private and proprietary

F. No program review authority. No statutory role in budget process (3)

1. Maine — Postsecondary Education Commission
Planning: Public senior, community college, postsecondary vocational education, private and proprietary

2. New Hampshire — Postsecondary Education Commission
Planning: Public senior, community college, postsecondary vocational education and private

3. Wyoming — Higher Education Council
Planning: Public senior and community college

III. Nonstatutory and nonconstitutional boards—created by executive order. Planning functions but no program approval or budgetary functions.

A. States with statewide postsecondary education commisions only (1202) (3)

1. Delaware — Postsecondary Education Commission
Planning: All postsecondary education (public, private and proprietary)

2. Nebraska — Coordinating Council for Postsecondary Education
Planning: All postsecondary education (public, private and proprietary)

3. Vermont — Higher Education Planning Commission
Planning: All postsecondary education (public, private and proprietary)

B. States with postsecondary commissions (1202) in addition to existing governing or coordinating boards (8). All eight have planning responsibilities, all postsecondary education, public, private and proprietary.

Alabama — Postsecondary 1202 Commission
Arizona — Commission for Postsecondary Education
Florida — State Planning Council for Post-High School Education
Georgia — Postsecondary Education Commission
Kansas — Legislative Educational Planning Committee
Kentucky — Commission for Postsecondary Education
Mississippi — Postsecondary Education Planning Board
Texas — Governor's Advisory Committee on Postsecondary Educational Planning

APPENDIX B

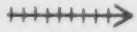
STATE ORGANIZATIONAL CHARTS OF PUBLIC HIGHER EDUCATION

Attached are organizational charts of public higher education for the ten states for which studies were prepared for the Sloan Commission on Government and Higher Education. Charts for the states of California, Florida, New York, Texas and Wisconsin are reproduced from Appendix H of the Supplement to The States and Higher Education: A Proud Past and Vital Future. Charts for the states of Louisiana, Massachusetts, Nebraska, Ohio and Washington were prepared by the staff of the Sloan Commission. Each of these charts was checked with the person who prepared the study for the specific state.

These charts are offered in order to show the variety and complexity of the arrangements, administrative and organizational, devised by the states to govern public higher education.

Symbols and Sources:

Elects =

Appoints = 

Governs =

Coordinates =

Liaison =

Classification of Institutions

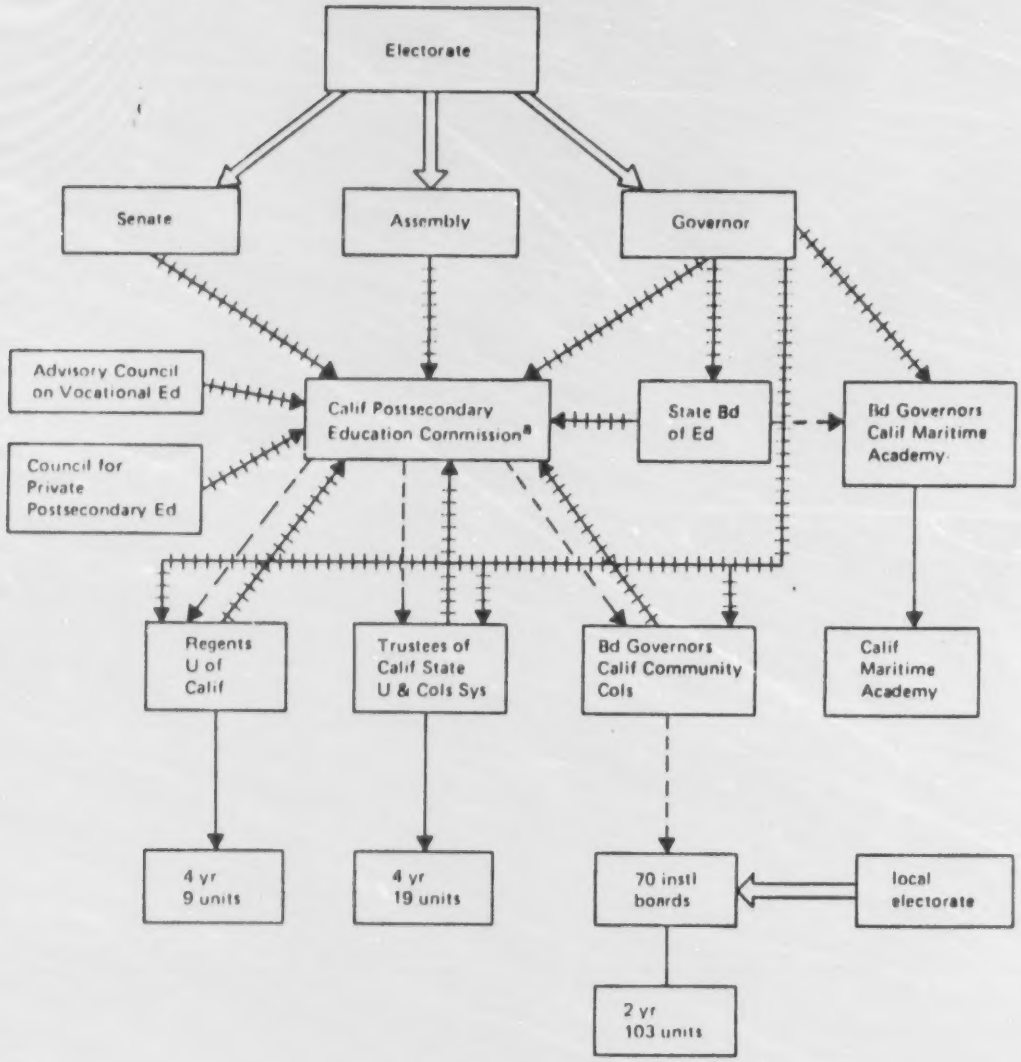
4 yr = Four-year colleges, universities, and separate professional schools[1] (e.g., separate medical or engineering schools).

2 yr = Community colleges and other less-than-baccalaureate institutions that offer programs either leading to an associate's degree or wholly or principally creditable toward a bachelor's degree. Vocational-technical institutions that offer only terminal occupational programs are not included on the charts.

[1] Our sources for the following charts are: American Association of Community and Junior Colleges, *1976 Community, Junior, and Technical College Directory* (Washington, D.C., 1976); N. M. Berve, "Survey of the Structure of State Coordinating or Governing Boards and Public Institutional and Multicampus Governing Boards of Postsecondary Education--as of January 1, 1975," *Higher Education in the States*, 1975, 4 (10); and J. L. Zwingle and M. E. Rogers, *State Boards Responsible for Higher Education 1970* (Washington, D.C.: U.S. Government Printing Office, 1975).

Where sources have differed as to the number of separate professional schools, we have relied on data supplied by Berve.

California

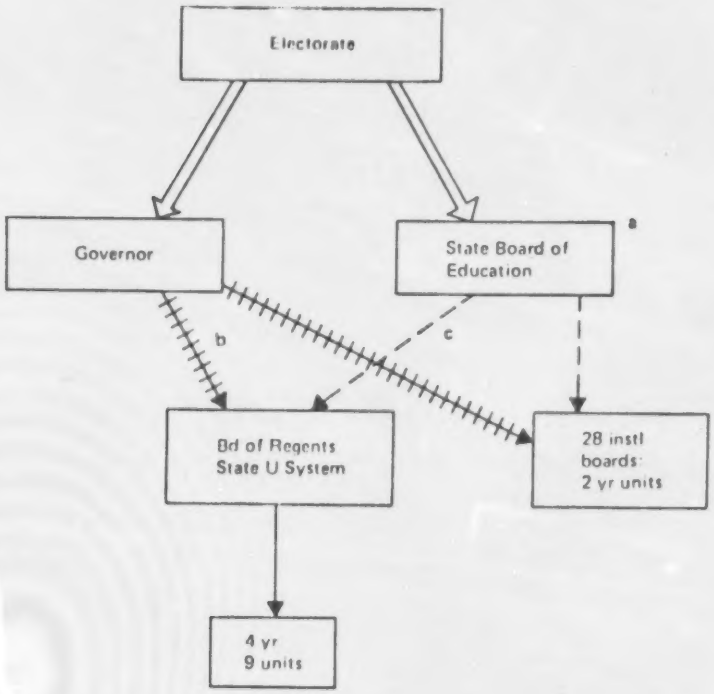


[a]The commission is composed of 23 members: 12 members represent the general public; 6 members represent the three public systems of higher education, with each governing board appointing 2 representatives; 2 members represent the independent colleges and universities; the remaining 3 members represent, respectively, the California Advisory Council on Vocational Education and Technical Training, the Council for Private Postsecondary Education, and the State Board of Education.

Commissioners representing the general public serve a six-year term and are appointed as follows: four by the governor, four by the Senate Rules Committee, and four by the Speaker of the Assembly. Representatives of the independent institutions serve a three-year term and are appointed by the governor from a list or lists submitted by an association or associations of such institutions. All other members serve at the pleasure of their respective appointing authorities.

Note: The appointing processes illustrated above for the University of California and the California State University and Colleges account for the *majority* of members of these boards, but there is also a minority on each board serving ex officio or as student representative chosen by the board. These ex officio members include four state officials, the chief executive officer of the particular board, and, for the University of California, representatives of the alumni association.

Florida



[a]The State Board of Education is composed of the governor and six other ex officio members, all elected to statewide offices.

[b]The governor's appointments to the board of regents must be approved by three members of the group identified in footnote *a* and confirmed by the senate.

[c]The board of regents is de facto the major source of governance and coordination for four-year institutions in Florida, but in certain technical respects it is subject to supervision by the State Board of Education, for which it acts as the division of universities.

Code

Elects = ⟹

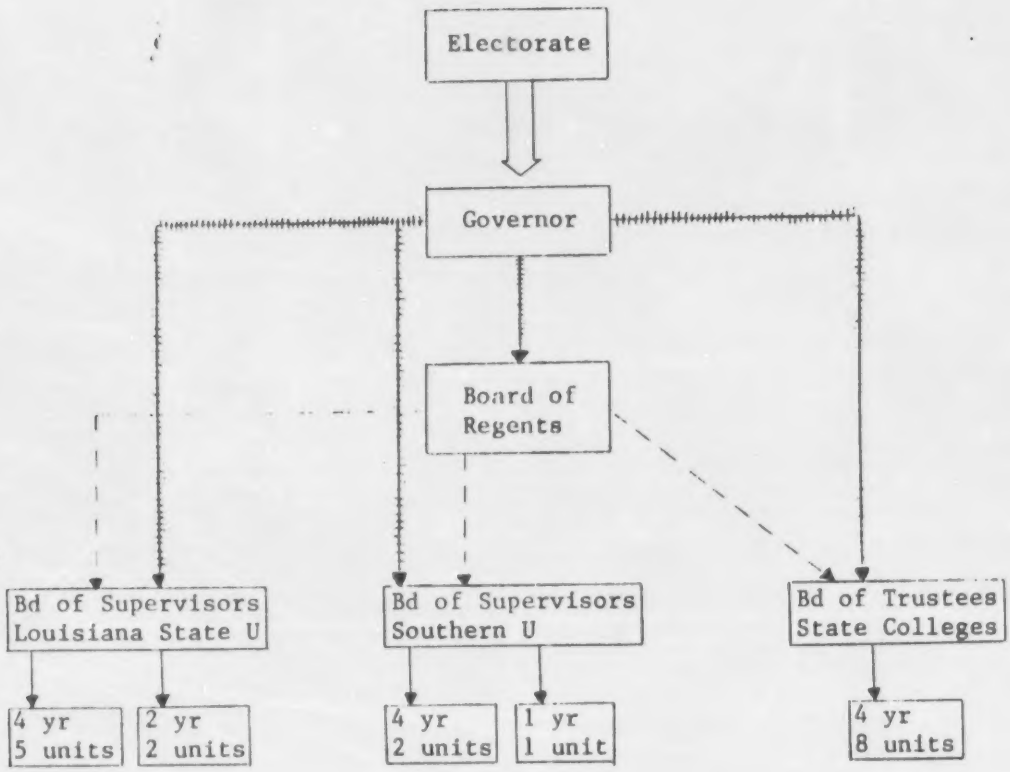
Appoints = ⟿

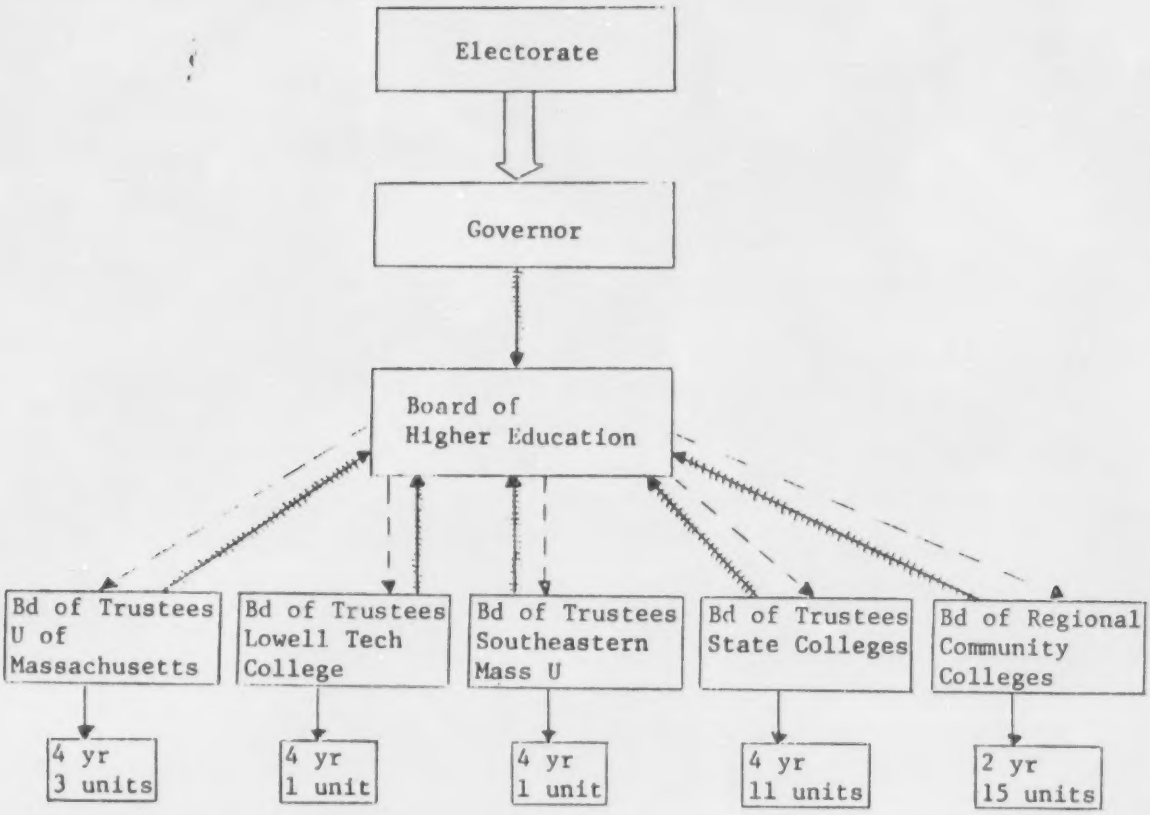
Governs = ⟶

Coordinates = - - - -→

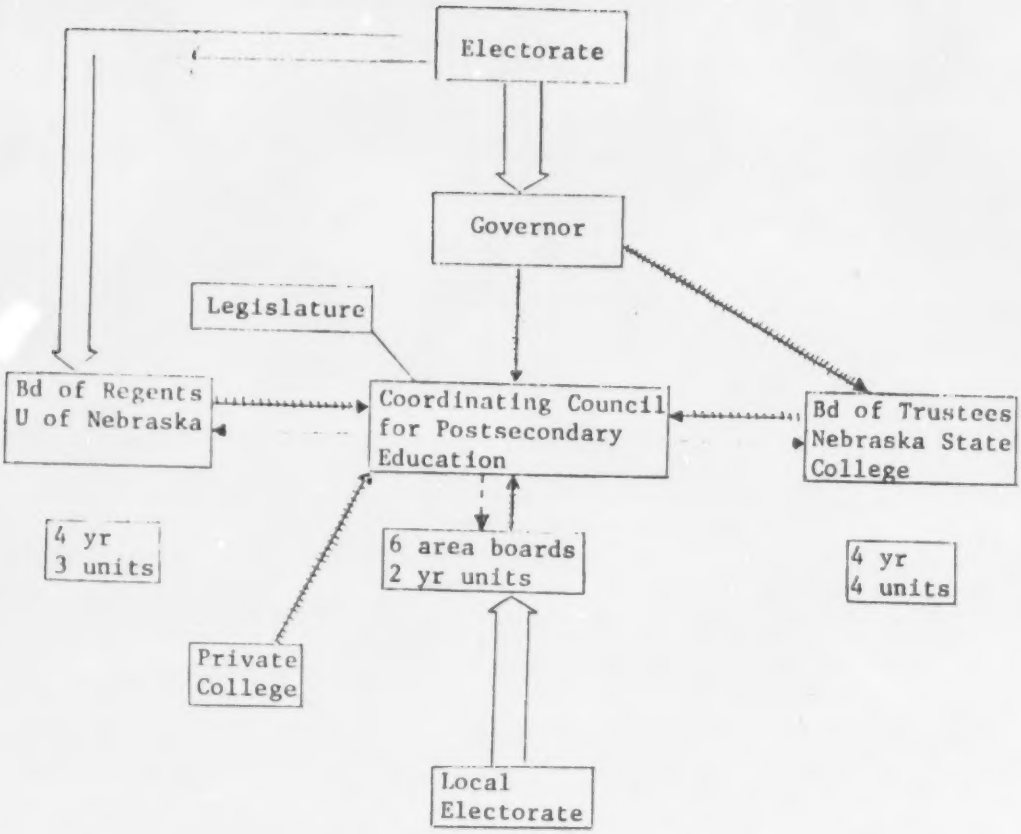
Liaison = ∿∿∿

Louisiana

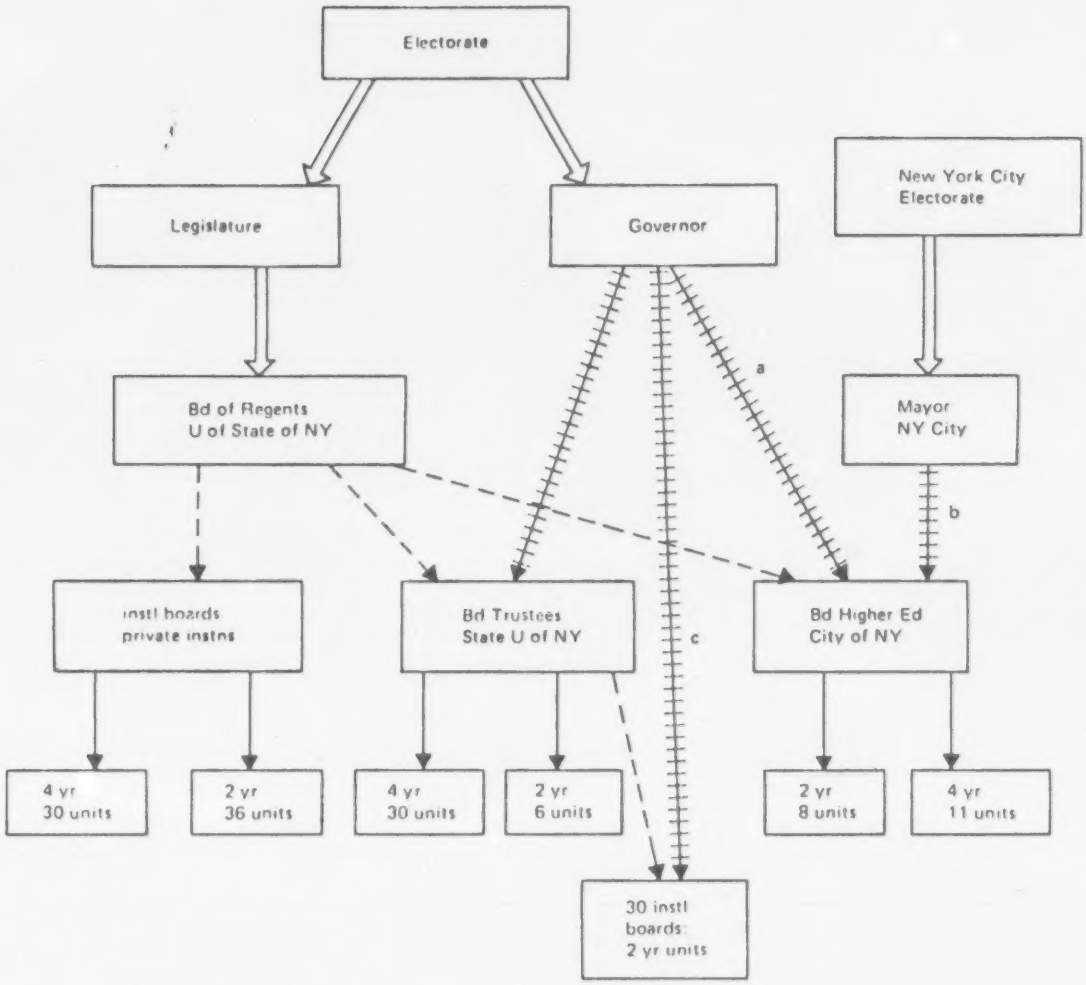

Electorate
Governor
Board of Regents
Bd of Supervisors Louisiana State U
Bd of Supervisors Southern U
Bd of Trustees State Colleges
4 yr 5 units
2 yr 2 units
4 yr 2 units
1 yr 1 unit
4 yr 8 units


Electorate
Governor
Board of Higher Education
Bd of Trustees U of Massachusetts
Bd of Trustees Lowell Tech College
Bd of Trustees Southeastern Mass U
Bd of Trustees State Colleges
Bd of Regional Community Colleges
4 yr 3 units
4 yr 1 unit
4 yr 1 unit
4 yr 11 units
2 yr 15 units

Nebraska


Electorate
Governor
Legislature
Bd of Regents
U of Nebraska
Coordinating Council
for Postsecondary
Education
Bd of Trustees
Nebraska State
College
4 yr
3 units
6 area boards
2 yr units
4 yr
4 units
Private
College
Local
Electorate

New York

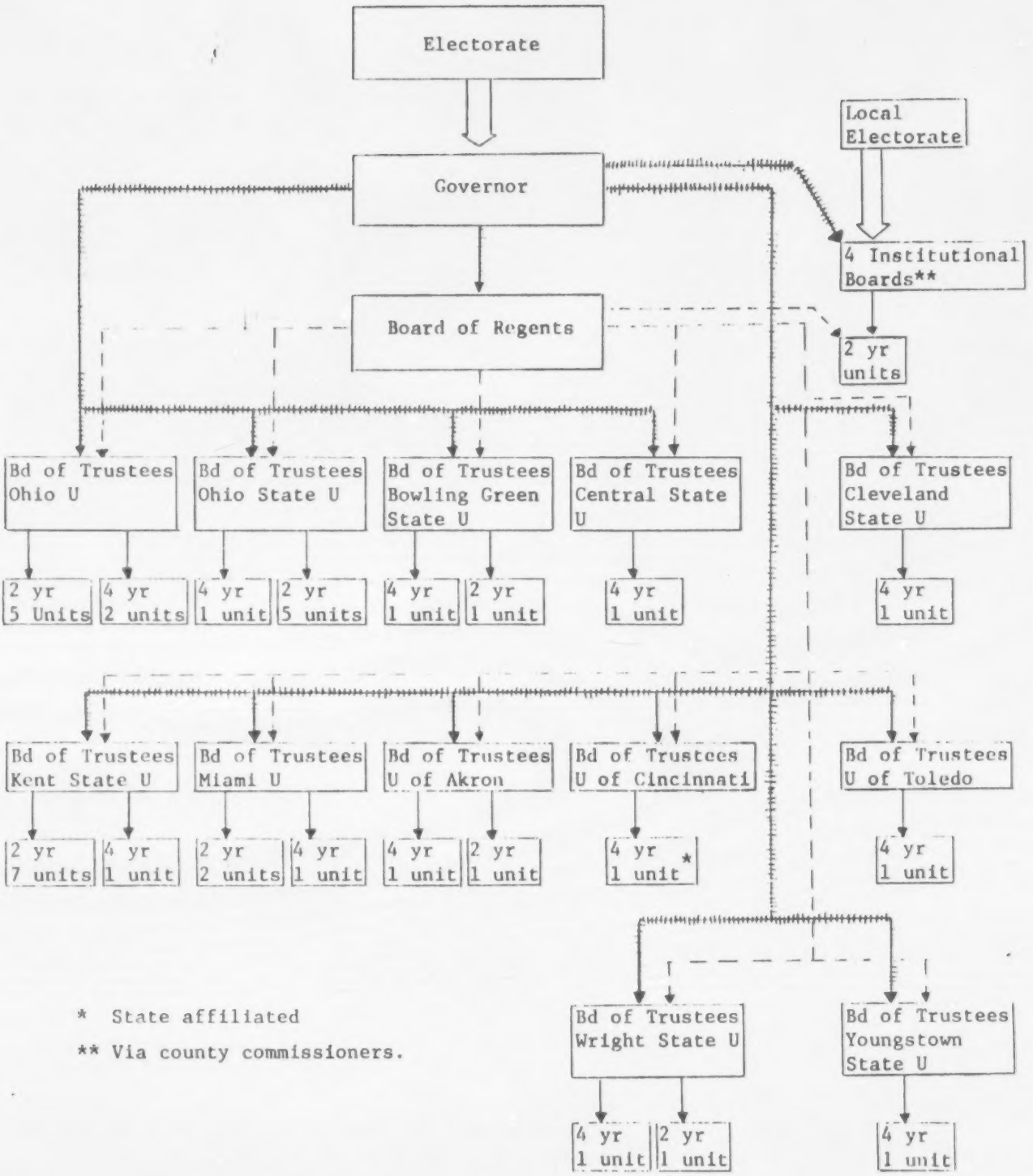


[a]Governor appoints three of ten CUNY board members.

[b]New York City mayor appoints seven of ten CUNY board members.

[c]Each board has ten members: five appointed by the county legislature, four appointed by the governor, and one student (nonvoting) member elected by the student body.

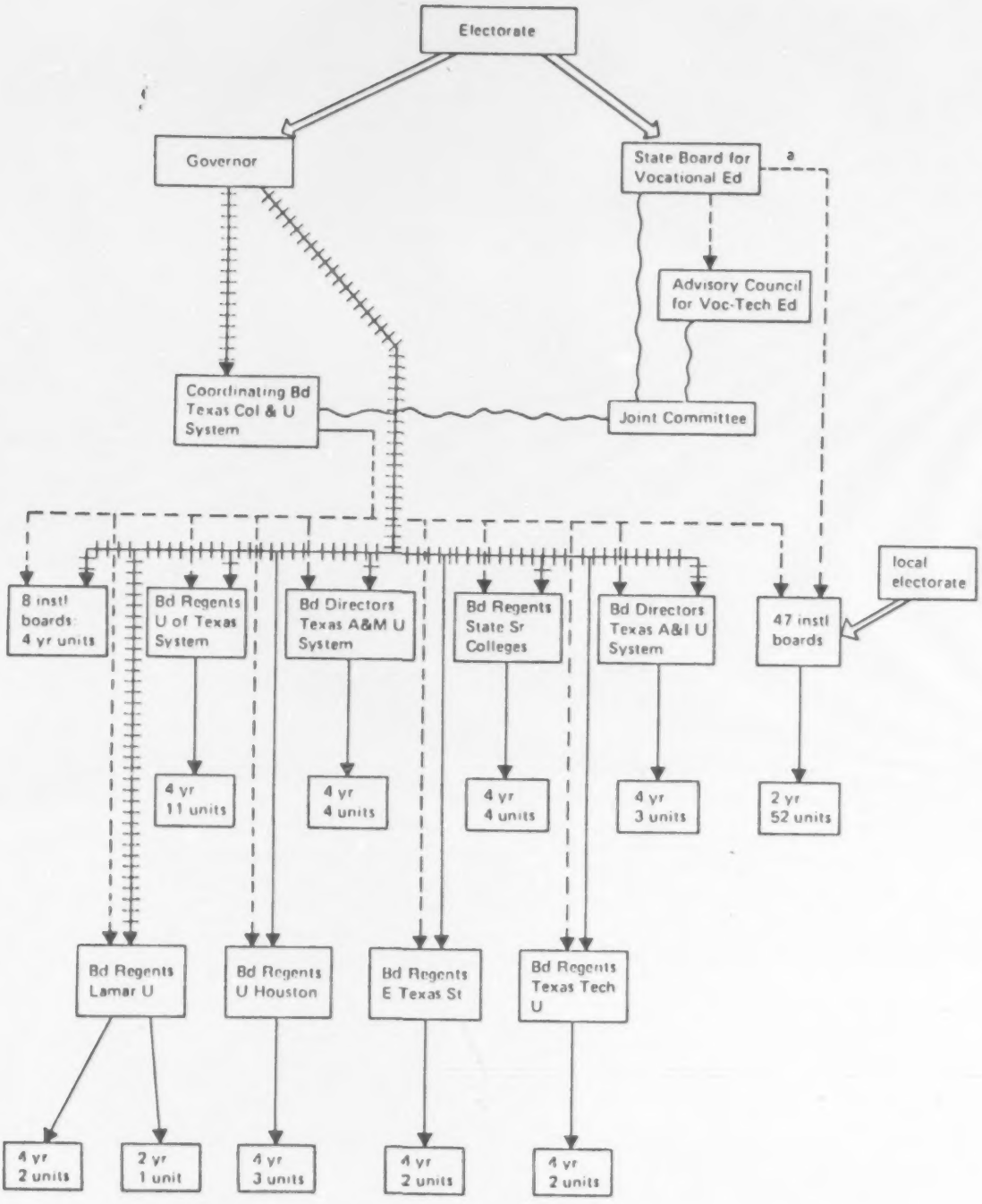
Ohio


Electorate
Governor
Board of Regents
Local Electorate
4 Institutional Boards**
2 yr units
Bd of Trustees Ohio U
Bd of Trustees Ohio State U
Bd of Trustees Bowling Green State U
Bd of Trustees Central State U
Bd of Trustees Cleveland State U
2 yr 5 Units
4 yr 2 units
4 yr 1 unit
2 yr 5 units
4 yr 1 unit
2 yr 1 unit
4 yr 1 unit
4 yr 1 unit
Bd of Trustees Kent State U
Bd of Trustees Miami U
Bd of Trustees U of Akron
Bd of Trustees U of Cincinnati
Bd of Trustees U of Toledo
2 yr 7 units
4 yr 1 unit
2 yr 2 units
4 yr 1 unit
4 yr 1 unit
2 yr 1 unit
4 yr 1 unit *
4 yr 1 unit
Bd of Trustees Wright State U
Bd of Trustees Youngstown State U
4 yr 1 unit
2 yr 1 unit
4 yr 1 unit

* State affiliated

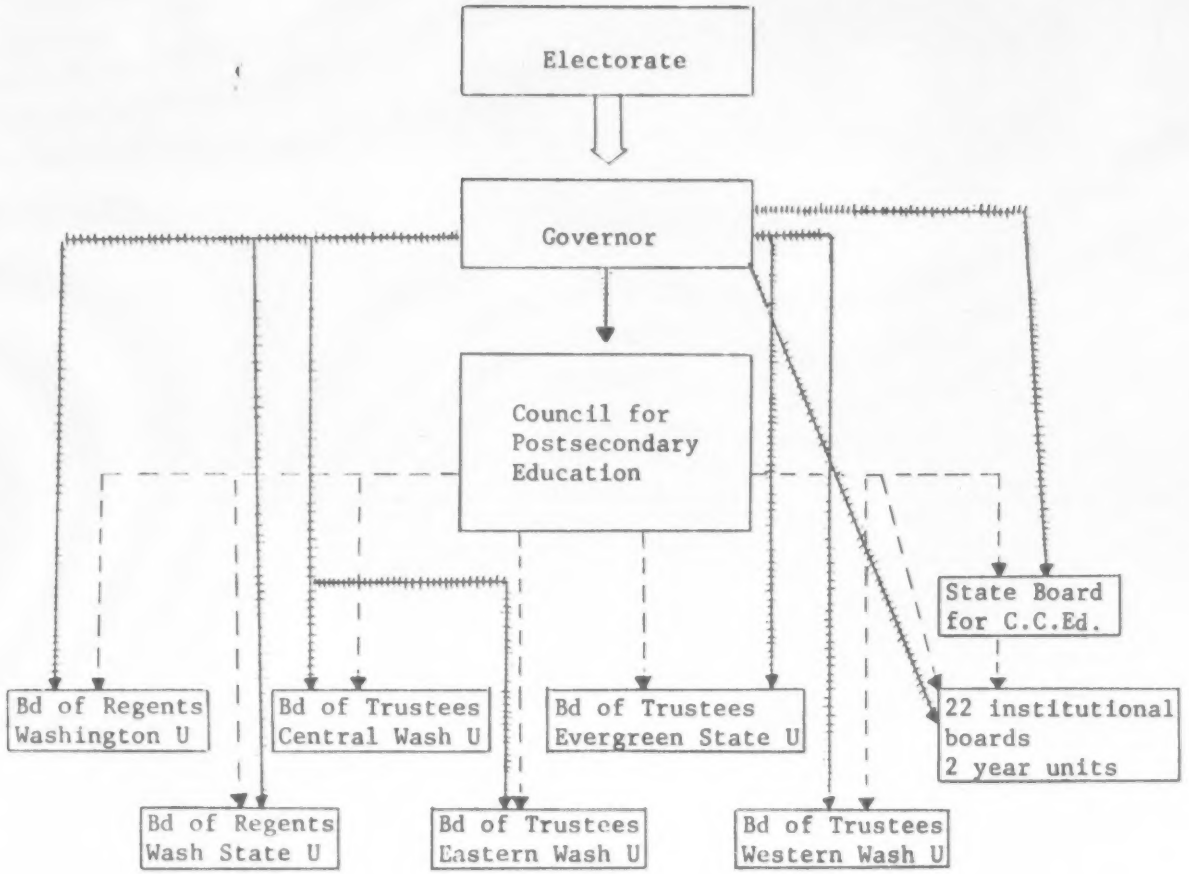
** Via county commissioners.

Texas


Electorate
Governor
State Board for Vocational Ed
a
Advisory Council for Voc-Tech Ed
Coordinating Bd Texas Col & U System
Joint Committee
8 instl boards: 4 yr units
Bd Regents U of Texas System
Bd Directors Texas A&M U System
Bd Regents State Sr Colleges
Bd Directors Texas A&I U System
47 instl boards
local electorate
4 yr 11 units
4 yr 4 units
4 yr 4 units
4 yr 3 units
2 yr 52 units
Bd Regents Lamar U
Bd Regents U Houston
Bd Regents E Texas St
Bd Regents Texas Tech U
4 yr 2 units
2 yr 1 unit
4 yr 3 units
4 yr 2 units
4 yr 2 units

[a]State Board for Vocational Education must review programs relating to vocational, technical, and adult education and manpower training at the junior colleges.

Washington


Electorate
Governor
Council for Postsecondary Education
State Board for C.C.Ed.
Bd of Regents Washington U
Bd of Trustees Central Wash U
Bd of Trustees Evergreen State U
22 institutional boards 2 year units
Bd of Regents Wash State U
Bd of Trustees Eastern Wash U
Bd of Trustees Western Wash U

Wisconsin

[a]Board members are appointed by a local appointment committee headed in two cases by the county board chairman and, in the third case, by the local school board president.

Note: The appointing processes illustrated above for the University of Wisconsin board and the Board of Vocational, Technical and Adult Education account for the *majority* of members of these boards, but two ex officio members also serve on each board.

Code

Elects = ⟹

Appoints = ++++++++→

Governs = ⟶

Coordinates = - - - - →

Liaison = ∿∿∿∿

APPENDIX C

PROPOSED ENTENTES BETWEEN STATES AND PUBLIC HIGHER EDUCATION

Over the past decade a number of organizations and individuals have attempted to write "treaties" defining the roles and responsibilities of the major actors in public higher education. They are offered here to indicate the diversity of these efforts and their degree of generality of specificity.

The sources are: The task force report on Institutional Rights and Responsibilities from the American Association of State Colleges and Universities; the report on Governance of Higher Education of the Carnegie Commission on Higher Education; the relevant discussion from Coordinating Higher Education for the '70s by Glenny, Berdahl, Palola and Paltridge; "A Model for Statewide Coordinating Board or Commission" from Planning for State Systems of Postsecondary Education published by the American College Testing Program; Statewide Planning in Higher Education by K. Halstead; and "Co-ordination -- Role of the Council for Postsecondary Education" from Planning and Policy Recommendations for Washington Postsecondary Education: 1976-1982.

It is difficult to judge the effectiveness of these ententes. Coordinating Higher Education for the '70s by Glenny, et. al. probably influenced the design of a number of coordinating agencies. The authors, especially Lyman Glenny as head of the Center for Research and Development in Higher Education, were consulted frequently by state governments for advice in these matters. The pact described by The Council for Postsecondary Education in the State of Washington is exemplary in its explicitness and is honored by all parties in that state. The others appear to have had less influence, at least in part due to the difficulties encountered in making specific their general recommendations.

The first four of these examples are collected in and reproduced from Coordination or Chaos published by the Education Commission of the States. The others are reprodcued from original sourdes.

LEVELS OF DECISION FOR HIGHER EDUCATION FUNCTIONS

FUNCTION	*ELEMENTS IN THE SYSTEM*			
	State Government	*Coordination Element*	*Governance Element*	*Institution*
System Organizational Structure	Establishes broad structural arrangements. Defines role of elements	Develops detailed coordinating policies and procedures	Develops detailed governing	Participates in development of coordinating and governance
Program Allocation	Adopts broad general guidelines	Assumes major recommending and decision-making responsibility recognizing interests of governing element and institutions	Approves on basis of coordinating element recommendations and institutional capabilities and interests	Develops and executes programs
Budget Development	Very broad policy. Appropriates funds	Reviews and relates budget to entire state's needs and recommends in terms of priorities	Approves budget request with respect to justifiable needs (for own institution)	Prepares budget request
Fiscal Policies	Broad regulations, relations with other state agencies	Organizes broad policy guidelines	Approves institutional recommendations which conform to state and coordinating element broad regulations and guidelines	Executes broad policies and develops internal policies
Program Content		Approves in terms of needs of state	Approves mainly in terms of institutional capability	Proposes, develops and operates
Personnel Selection	Establishes broad policy	Coordinates among elements within state policy	Approves institutional policies and considers institutional recommendations within policies	Participates in development of policy and executes selection
Planning	Expresses state interests and needs	Articulates plans of institutions and governing elements. Executes necessary statewide plans	Expresses governing element interests and concerns. Coordinates with other elements	Maintains continuous planning program. Initiates planning of institutional program
Evaluation-Accountability	Establishes basic requirements	Coordinates among elements	Establishes basic policy	Executes policy, accepts responsibility for effective performance
Capital Programs	Very broad policy. Appropriates funds	Approves in terms of state priorities and needs	Approves in terms of institutional goals and needs	Prepares and proposes capital program and recommends priorities

American Association of State Colleges and Universities, *Institutional Rights and Responsibilities*, November 19, 1971

CARNEGIE COMMISSION RECOMMENDATIONS

DISTRIBUTION OF AUTHORITY

To achieve balance between public control and influence versus institutional independence, the Commission favors the following patterns for the distribution of authority between public agencies (including coordinating councils) and academic institutions (including multicampus systems):

PUBLIC CONTROL	INSTITUTIONAL INDEPENDENCE
Governance	
Basic responsibility for law enforcement	
Right to insist on political neutrality of institutions of higher education	Right to refuse oaths not required of all citizens in similar circumstances
Duty to appoint trustees of public institutions of higher education (or to select them through popular election)	Right to independent trustees: No ex officio regents with subsequent budgetary authority Right to nonpartisan trustees as recommended by some impartial screening agency, or as confirmed by some branch of the state legislature, or both; or as elected by the public
Right to reports and accountability on matters of public interest	
Duty of courts to hear cases alleging denial of general rights of a citizen and of unfair procedures	
Financial and Business Affairs	
Appropriation of public funds on basis of general formulas that reflect quantity and quality of output	Assignment of all funds to specific purposes
Postaudit, rather than preaudit, of expenditures, of purchases, of personnel actions	Freedom to make expenditures within budget, to make purchases, and to take personnel actions subject only to postaudit

PUBLIC CONTROL	INSTITUTIONAL INDEPENDENCE
Financial and Business Affairs	
Examination of effective use of resources on a postaudit basis	Determination of individual work loads and of specific assignments to faculty and staff members
Standards for accounting practices and postaudit of them	
General level of salaries	Determination of specific salaries
Appropriation of public funds for buildings on basis of general formulas for building requirements	Design of buildings and assignment of space
Academic and Intellectual Affairs	
General policies on student admissions: Number of places Equality of access Academic level of general eligibility among types of institutions General distribution of students by level of division	Selection of individual students
Policies for equal access to employment for women and for members of minority groups	Academic policies for, and actual selection and promotion of, faculty members
Policies on differentiation of functions among systems of higher education and on specialization by major fields of endeavor among institutions	Approval of individual courses and course content
No right to expect secret research or service from members of institutions of higher education; and no right to prior review before publication of research results; but right to patents where appropriate	Policies on and administration of research and service activities

PUBLIC CONTROL	INSTITUTIONAL INDEPENDENCE
Academic and Intellectual Affairs	
	Determination of grades and issuance of individual degrees
	Selection of academic and administrative leadership
Enforcement of the national Bill of Rights	Policies on academic freedom
Policies on size and rate of growth of campuses	Policies on size and rate of growth of departments and schools and colleges within budgetary limitations
Establishment of new campuses and other major new endeavors, such as a medical school, and definition of scope	Academic programs for new campuses and other major new endeavors within general authorization
INFLUENCE BUT NOT PUBLIC CONTROL	**INSTITUTIONAL INDEPENDENCE**
Academic Affairs--Innovation	
Encouragement of innovation through inquiry, recommendation, allocation of special funds, application of general budgetary formulas, starting new institutions	Development of and detailed planning for innovation

Carnegie Commission on Higher Education, Governance of Higher Education: Six Priority Problems. A report with recommendations. New York: McGraw-Hill Book Company, April 1973, pp. 25-27.

POWERS NECESSARY FOR COORDINATION

As a participatory agency, the coordinating board must rely on widespread consensus for its decisions and on persuasion and cooperation rather than fiat and pure power for policy and implementation. Nevertheless, certain legal powers are necessary to the board to underpin and reinforce the intent of the state to plan and create a comprehensive system. We recommend that the board have the following minimum powers:

1. to engage in continuous planning, both long-range and short-range;
2. to acquire information from all postsecondary institutions and agencies through the establishment of statewide management and data systems;
3. to review and approve new and existing degree programs, new campuses, extension centers, departments and centers of all public institutions, and, where substantial state aid is given, of all private institutions;
4. to review and make recommendations on any and all facets of both operating and capital budgets and, when requested by state authorities, present a consolidated budget for the whole system; and
5. to administer directly or have under its coordinative powers all state scholarship and grant programs to students, grant programs to nonpublic institutions, and all state-administered federal grant and aid programs.

Perhaps the key jurisdictional issue between the coordinating board and the institutional boards is where to draw the dividing line between their respective powers and responsibilities. Some coordinating staff members, impatient with group processes and widespread participation by interested parties and often lacking skill in leadership and persuasion, seek increased power to intervene directly into the legitimate provinces of institutional governing boards and their staffs. The exercise of such

power finally leads both legislators and institutional leaders to the conclusion that institutional governing boards are superfluous. Thus, the chief advantages of coordination have been lost to the state and to the institutions.

If the coordinating board is not to preempt the raison d'etre of the institutional governing boards, it should stay out of the following matters (and if the law now allows these interventions, the board should use great restraint in exercising the powers):

1. student affairs, except general admissions standards, enrollment ceilings, and enrollment mixes applicable to the various systems and subsystems of institutions;
2. faculty affairs (hiring, promotion, tenure, dismissal, salaries), except general guidelines applicable to salaries;
3. selection and appointment of any person at the institutional or agency level, including the president or chief executive and board members;
4. approval of travel, in-state or out-of-state, for staff of any institution;
5. planning of courses or programs, including their content, and selecting subjects of research;
6. presenting of arguments and supporting materials for institutional operating or capital budgets, except that the board should present and support its own recommendations on budgets;
7. contractual relationships for construction, land acquisition, equipment, and services;
8. general policing or maintenance of civil order on campus; and
9. negotiations and contractual relationships with unions representing institutional personnel, except that such negotiations may be conducted within guidelines and/or budgetary parameters set by the state or board.

Glenny, Berdahl, Palola and Paltridge; Coordinating Higher Education for the '70s. Center for Research and Development in Higher Education, University of California, Berkeley, California, 1971, pp. 7 and 12.

Planning for State Systems of Postsecondary Education

A MODEL FOR A STATEWIDE COORDINATING BOARD OR COMMISSION

1. Leadership and coordination in (a) formulation of statewide needs and policies, (b) long-range and short-range planning, (c) program development with statewide implications, and (d) establishment of statewide and institutional master plans for the development of programs and physical facilities at individual institutions. This includes the development of guidelines, standards, and, occasionally, basic procedures to guide the operations of individual institutions.

2. Approval of institutional objectives on which to base yearly institutional budget requests, consistent with statewide planning, guidelines, and previously approved college master plans. Recommendation of the agreed-upon budget to the statewide board and organization of the presentations and support of the budget requests to the executive and legislative branches of government.

3. Appraisal and evaluation of institutional achievement of approved objectives, including fiscal postaudit and analysis of institutional application of statewide policies and guidelines.

This includes a periodic review of institutional progress in achieving agreed-upon objectives and in solving problems inherent in the local situation.

4. Advice to individual institutions, as needed and requested, on operational matters. Responsibility and authority for operational decisions necessary for institutional implementation of systemwide policies and programs, as well as institutional policies and programs, should be located on each campus. Statewide officers have an obligation to restrict their role to statewide activities.

Fred F. Harcleroad; Planning for State Systems of Postsecondary Education. American College Testing Program, Iowa City, Iowa, 1973, pp. 6 and 7.

Halstead: Illustrative Worksheet for Outlining the Principal Level of Decision-Making for Selected Component Operations Within a State System of Higher Education

Decision-making level	Central decision	Institutional or campus decision
Student entrance and passage through system	Equal and open opportunity Statewide student financial aid Application policy Nonresident policy Transfer policy Articulation between segments	Remedial work Counseling Institutional student financial aid program Admission criteria Student selection
Higher education programs and service	Development of comprehensive program offerings Specialized programs Research centers Large research projects Estimation of trained manpower requirements	Major academic fields Curriculum organization and development Instructional procedures Public service Innovative educational media Research organization and development
State system and organizational structure	Institutional role and scope Criteria for establishment, expansion, and curtailment of programs and enrollment Geographic and institutional distribution of programs Planning and coordination Data collection and management Specialized libraries Academic calendar	Institutional role and scope Institutional research and planning Cooperative arrangements Department and specialized program quotas
Operating capabilities	Faculty Recommended salary scale Basic policy for appointment, tenure, and termination	Academic freedom Recruitment Selection Appointment Rank and salary Promotion of research opportunities
	Facilities Projection of space needs Project priority system for capital construction	Campus planning Design and construction of new facilities Utilization of physical plant
Financial support, allocation, and efficiency	Recommendations for state and local tax support Recommendations regarding tuition and fees Allocation of state funds between public and private sector and to individuals Allocation of state funds to institutions	Allocations of funds within institution Research support and fiscal management

Note: The concept for this type of chart was originally introduced by Provost Harry Porter, State University of New York Systems Office, Albany.

Source: K. Halstead, *Statewide Planning in Higher Education* (Washington, D.C., U.S. Government Printing Office, 1974), p. 24.

Coordination--Role of The Council for Postsecondary Education:

The purpose clause of the statute describing the authority and responsibilities of the Council for Postsecondary Education states that:

> With the increase in the number of institutions and in the scope, variety and extent of higher education demand of the institutions by the people of a dynamic state, and the evident need to maintain articulation and coordination among the parts of a more complex system of higher education, it is desirable to establish a council to facilitate planning for postsecondary education.

The functions of the Council are described as follows:

1. Engage in overall planning for postsecondary education in the state, including the collection and analysis of necessary data from public, and where appropriate, private institutions of higher education. The purpose shall be to:
   a. Assess and define the educational needs of the state to be served by postsecondary education;
   b. Recommend and coordinate studies to ascertain how defined educational needs are being met;
   c. Study and make recommendations concerning adult education, continuing education, and public service programs;
   d. Identify priorities among the defined needs and specify the resources necessary to meet them;
   e. Differentiate roles of the community college system and the individual public institutions and identify the most effective division of responsibility among them in meeting defined needs. To facilitate this, review and recommend the creation of all new degrees and recommend which institutions shall award them; and evaluate proposals for the elimination of existing degrees. Identify changing conditions which may require the revision of these roles and division of responsibility of the institutions.
2. In the execution of the above planning responsibilities, develop criteria for the need for new baccalaureate institutions; and recommend the establishment, location, and role of any new baccalaureate granting institutions, and review the plans for community college system in terms of their articulation with planning for higher education in the state.
3. Study levels of fees and charges to students and, when necessary, make recommendations to the institutions, legislature, and Governor.
4. Study and make recommendations concerning admission and transfer policies.
5. Review individual institutional operating budget requests to determine the conformity or lack thereof with the state's postsecondary education plan, provided that its review of community colleges be limited to the plan prepared by the State Board for Community College Education.
6. Review the individual institutional capital budget requests to determine their conformity or lack thereof with the state's postsecondary education plan, provided that its review of community colleges be limited to the plan prepared by the State Board for Community College Education.
7. Study and make recommendations for the development of improved practices of administrative management in order to facilitate the most efficient operation of the public institutions and the avoidance of unnecessary duplication among institutions.

8. At the request of the Governor, Legislature, State Board for Community College Education, or baccalaureate-granting institutions of higher education, and in conjunction with such legislative interim committee on higher education as may be in existence, study and make recommendations regarding legislation affecting postsecondary education.

These paragraphs describe the conception of the Council's functions held by the Legislature when the agency was created in 1969. More recently (in legislation enacted in 1975) these sections were amended to adopt the term postsecondary education. The membership of the Council was modified to reflect the postsecondary education emphasis through the designation of the Superintendent of Public Instruction and the director of the Commission for Vocational Education as members. The Council was also statutorily designated as the State 1202 Commission and required to perform the attendant responsibilities. Finally, the name of the agency was changed to the Council for Postsecondary Education. The basic statutory role of the Council, however, was not changed.

9. Presenting arguments and supplying materials for institutional operating and capital budgets, except that the Council should present and support its own recommendations on budgets.
10. Responsibility for construction, land acquisition, equipment, materials, and services for the operation of the institution.
11. General policing or maintenance of civil order on campus, and
12. Negotiations and contractual relationships with groups representing institutional personnel, except that the Council should, upon request, make recommendations pertaining to state-level guidelines for such activities.

In sum, the conception of the Council implicit in the broad and flexible legislation describing its functions and responsibilities is that of an independent but accountable agency occupying a place between the postsecondary education community and state government. There are reasonably clear perimeters to distinguish the appropriate areas of purview for the Council and the institutions. The resulting relationship has proved an effective one.

One final topic needs to be considered here. This concerns the role of the Council in technological education coordination, described in legislation enacted during 1974. A 1971 study prepared by the Legislature contained a finding that one alternative to the establishment of a polytechnic institute in Washington would be a technological education/study center. The objective of such a center would be to assist students in designing their technologically-related curricula and placing them in appropriate courses offered in existing institutions. As a result of the study, the 43rd Legislature directed the Council to incorporate into its long-range planning, consideration of the need for a wide range of advanced technological programs and the appropriate organizational structure for their delivery. The term "advanced technological education" is assumed to mean programs available in the various technical fields beyond those offered in the community colleges and vocational-technical institutes.

The specific demand for advanced technical education is not known, and an assessment of interest is required before a program design or delivery mechanism can be created. To the extent that current interest is apparent, it is in the area of Engineering Technology. Although the state colleges are offering advanced education in Industrial Technology, for one reason or another these programs do not fulfill this apparent need, and students desiring advanced work in Engineering Technology must presently enroll in institutions of other states. Aside from this, the first task of the Council in technological education must be an assessment of the need for a wider range of technological programs. If this need is substantiated, the second task is the recommendation of appropriate delivery structures, with particular attention to the feasibility of a technological education study center. Such recommendations should be developed in conjunction with representatives of the colleges and universities. In view of the legislative mandate for Council study and recommendations in this area, these tasks are considered a priority item for the 1975-77 biennium.